UNIVERSITY LOYALTY:

OR, THE Genuine Explanation OF THE PRINCIPLES AND PRACTICES OF THE *ENGLISH CLERGY*, AS

Eſtabliſhed and Directed by the *Decree* of the Univerſity of *Oxford*, paſt in their Convocation 21 *July* 1683. and Republiſh'd at the Trying of Dr. *H. Sacheverell* for High Crimes and Miſdemeanours.

They bind heavy Burdens, and grievous to be born, and lay them on Mens Shoulders, but they themſelves will not move them with one of their Fingers. St. *Matth.* Chap. 23. Verſ. 4.

Rex igitur dum facit juſticiam, vicarius eſt regis æterni, miniſter autem diaboli, dum declinat ad injuriam. Dicitur enim rex a benè regendo, & non a regnando, quia rex eſt dum benè regit, Tyrannus dum populum ſibi creditum violenta opprimit dominatione.

Bracton de Legibus, Fol. 107.

London, Printed for *A. Baldwin*, near the *Oxford-Arms-Inn* in *Warwick-Lane*. 1710.

Sach. 192/1

BL

To all true Lovers and Defenders of their Native Rights and Liberties.

FOR *it is with you only that the following Lines can hope to have any favourable Reception. As to all others, who either through a desire of exchanging the* pure Light *of the* Gospel, *for the* Egyptian Darkness *of Popish* Idolatry *and* Superstition; *or who through their particular* Views *of making* Gain *to themselves, upon the* Ruines *of our* Civil Rights, *are for encouraging such* Principles *and* Practices *as naturally tend to* Dethrone *Her* Majesty, *and bring in the* Pretender, *with such a* despotick *Power as his* Religion *and* Education *have taught him to Act by; we can expect no other Treatment for any thing which is meant to open the Eyes of our Fellow-Subjects, to see the* Perils *they are in among their* false Bretheren, *false both to their God and to their Country, but to have such* Anathema's *cast on us, as (if we would have a Weakness equal to those Anathema's) they would persuade us, are* ratified in Heaven *and are* irreversible by any Power on Earth: *But so long as we can defend our Country from These* Treacherous Enemies, *(who although like* Friends, *they* walk with us to the House of God in Company, *and speak to us* Words softer than Oil, *yet those Words are* Drawn Swords, *and they full of* Deceit and Guile, day and night going about our Walls, *causing* Mischief and Sorrow: *Let no Man be terrified by such Spiritual Scare-Crows, but on good Grounds believe, that for his Endeavours to defend the Happy Constitution of this Nation as now by Law establisht, framing the rest of his Life according to God's Laws, his* Salvation *is much more* irreversibly Ratified in Heaven, *than any* Ecclesiastical Anathema *pronounced on* Earth; *which cannot harm him, but may return* sevenfold into the Bosom *of such unjust* Anathematizers: *And let him be assured, That howsoever he may be vilified by those who would represent him as* twofold more a Child of Hell than themselves; *yet he will be valued while living, and his* Memory Precious to all Generations, *with all such true Patriots, who are for preserving to Her* Majesty *Her* [illegible] *Titles, which at once makes her the Greatest of Princes, in a* [illegible] *Enjoyment of all Her Legal Prerogatives; and Her Subjects* [illegible] *Happiest of People, in the secure Possession of their Religious and*

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Civil Rights. And with you the Worthies *of our Nation, Worthy of thoſe free-born Properties you enjoy, we are aſſured every thing intended for the Service of your Country, will have that favourable Reception, which the* Sincerity *of the Deſign may deſerve, altho' the* Performance *be imperfect: We cannot ſit ſtill under ſuch a Black Cloud as threatens our Country, from our* Inteſtine *Enemies, without looking whence ſuch* unnatural Excreſſences *can grow; and knowing that* Education *has the Great Sway in our* Humane Depraved Judgments, *we can attribute all this Commotion to nothing ſo much as to Principles imbibed at the* Univerſities, *and which are apparently oppoſite to our Conſtitution, as they are contained in ſome parts of the* Oxford Decree: *We have therefore conſidered ſome of the Doctrines by that Decree Eſtabliſht, and have endeavoured to ſhew the plain* Engliſh *thereof, the Conſequences of ſuch Doctrines, and the Practice of the Clergy agreeable thereto, to be all entirely tending to the* extirpation *of the* Proteſtant Religion, *and our* Liberties *and* Rights *in this our Native Country. We do not go about to accuſe every part of that Decree as ſuch; There are ſeveral of the Propoſitions therein condemned, which we by no means approve, but do moſt readily agree them to be falſe, and very juſtly to deſerve all the ſevere Cenſure that Decree has paſt on them: We have confin'd our ſelves to the Conſideration of ſuch only of the Propoſitions as relate to and are conformable to the Conſtitution of this Nation, and which therefore we think ought to be vindicated from that Hard Condemnation which by that Decree they lye under, and which the* Convocation *of* Oxford *in having condemned, did act with an unbecoming Boldneſs, and uſurped a Power by no means belonging to them. We have not pretended to give our Sentiments, in what manner, and with what* Penalties *the Doctrines we complain of in that Decree, ſhould be* ſuppreſt; *that would be too high* Preſumption *in us, and muſt be left to your great Wiſdom, ſuch of you we mean, as by your High Births, or by the Election of your Country, are in the Station to take care of* your ſelves *and* us: *But we think our ſelves bound in Duty to Her* Majeſty, *in Love to our* Fellow-Subjects, *in Gratitude to our* Careful Anceſtors, *and in Affection to our* Innocent Poſterity, *to publiſh what we have obſerved; in which, if it be of any Service for the Good Purpoſes we mean it, we have our End; if inſignificant, we ſhall eaſily ſit down ſatisfied with the* Integrity *of our own Hearts.*

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LOYALTY.

AT a Time when we ſee the Conſtitution of this Nation apparently ſtruck at, by a multitude of *unnatural Spiritual Vipers*, who endeavour to eat out the very *Vitals* of that Eſtabliſhment which gives them Life, it becomes the Wiſdom of the *Supreme Power* of the Nation to look to its Security; leſt, while we are defending our ſelves from our *open Enemies* abroad, we be devoured by the ſecret Machinations of more dangerous *falſe Brethren* within.

And ſince now, when we might reaſonably think our Laws had laid a ſufficient Byaſs on the Conſciences of all Members of this Iſland from looking over the Water, we ſtill ſee ſuch Notions publiſh'd, with ſo *high a hand*, as if like the *Leviathan* they were made *without fear*, and theſe ſo frequent, and gilded with ſo much ſhew of Learning, and crowded with ſo many ſubtile Equivocations, to evade the Letter of the Law, yet thereby ſo much the more ſhew the Diſpoſition of the Authors for a *Change*, and the irreconcileable Hatred they have to any Thing that tends to ſecure us from the *Pretender* and a *French Power*; there ſeems to be now an unavoidable Neceſſity for the Legi-

Job 41. v. 33.

Legiſlature to ſhew a more than uſual Care for the Preſervation of her *Majeſty* and the *Proteſtant Succeſſion*; and for that purpoſe, to exert a Power beyond thoſe Securities of *Oaths* and *Abjurations* already appointed by Law, which it ſeems can be by ſome in their Opinion ſo far evaded, as to reconcile their Conſciences to their Inclinations for a Change, notwithſtanding the *expreſs Words* of *Renouncing* and *Abjuring* the *Pretender*, altho' they be ſworn *according to the plain and common Senſe and Underſtanding of the ſame Words, without any Equivocation, mental Evaſion, or ſecret Reſervation whatſoever; and that heartily, willingly, and truly, upon the true Faith of a Chriſtian.*

Now, as where a *Natural* Body is diſeaſed, it is neceſſary for the Phyſician to ſearch into the Grounds and inward Cauſes of the Diſtemper, before he can hope to reſtore the Patient to a ſettled State of Health; ſo in this great *Political* Body the Nation, if we will ever hope to ſee our *Conſtitution* upon a ſafe Bottom, we muſt firſt endeavour to diſcover whence thoſe *Principles* do ſpring, which diſpoſe ſo many among us, like the *Iſraelites* in the Deſert, to Luſt after their *Onions and Garlick* in *Egypt* inſtead of deſiring the *Promiſed Land*; that is, ſhew their Averſion to the *Proteſtant Succeſſion*, and their Deſire to ſee the *Pretender* bring in *Popery* and *Tyranny*, inſtead of enjoying our *Pure Religion* and *Civil Rights*: For 'till we can find out the Cauſe of this Diſeaſe, we can never hope to ſee the Nation in a ſettled State of Happineſs; but our Enemies abroad will be ever attempting to Diſturb us, while they have, ſo *powerful* we won't ſay, but ſo *numerous* a Party within.

The Thing then to be done, is, to look into the Two *Univerſities*, which being the Schools where all our *Clergy*, and many of our *Nobility*, and moſt conſiderable *Gentry*, do receive that Part of their Education which fixes their Principles of Religion, and Notions of Government; nothing certainly can be more neceſſary, than for the *Legiſlature* of this Nation

at all Times to be very ſtrict in examining what Doctrines are there Taught, and whether at this Time they do hold or countenance any Principles hurtful to our preſent *Eſtabliſhment*, as ever we hope to keep the *Government* unſhaken; it being there where we muſt ſeek for ſuch Principles as will have the greateſt Influence on the Minds of the People, eſpecially the Clergy.

This being ſo neceſſary, let us conſider, *the Judgment and Decree of the Univerſity of* Oxford, paſs'd in their *Convocation, July* 21. 1683. which being the Act of the whole Univerſity, introduced with the moſt Sacred Name of the Holy and Undivided Trinity, and decreed to be perpetuated there, by affixing it in ſome publick Place of each College to be read of all Men, muſt neceſſarily be the *ſettled Principles* of that Great Body, and conſequently have great Influence on all who look upon that Univerſity as the *Store-houſe* of Learning and Religion: And if any Parts thereof ſhall appear to be, as the moſt Honourable *Houſe of Peers* did on the 23d of *March*, 1709. reſolve, That it *contains in it ſeveral Poſitions contrary to the Conſtitution of this Kingdom, and deſtructive to the Proteſtant Succeſſion as by Law eſtabliſh'd*, there needs few Words to ſhew how neceſſary it is for the *Parliament*, if they will preſerve us in Safety, to condemn it in their *Legiſlative*, as the Houſe of Peers have already done in their *Judicial* Capacity.

The Decree we are to conſider, is this:

'*The Judgment and Decree of the Univerſity of* Oxford, '*paſt in their Convocation*, July 21. 1683. *againſt cer-* '*tain pernicious Books, and damnable Doctrines, deſtru-* '*ctive to the Sacred Perſons of Princes, their State and* '*Government, and of all Human Society.*

'ALtho' the barbarous Aſſaſſination lately enter-'prized againſt the Perſon of his Sacred Ma-'jeſty, and his Royal Brother, engage all our

'Thoughts to reflect with utmoſt Deteſtation and Abhorrence on that execrable Villany hateful to God and Man; and pay our due Acknowledgments to the Divine Providence, which by extraordinary Methods brought it to paſs, That the Breath of our Noſtrils, the Anointed of the Lord, is not taken in the Pit which was prepared for him; and that under his Shadow we continue to live, and enjoy the Bleſſings of his Government; yet notwithſtanding we find it to be a neceſſary Duty at this Time, to ſearch into, and lay open, thoſe impious Doctrines, which having of late been ſtudiouſly Diſſeminated, gave Riſe and Growth to theſe nefarious Attempts; and paſs upon them our Solemn Publick Cenſure and Decree of Condemnation.

'Therefore, to the Honour of the Holy and Undivided Trinity, the Preſervation of Catholick Truth in the Church, and that the King's Majeſty may be ſecured both from the Attempts of open Bloody Enemies and Machinations of treacherous Hereticks and Schiſmaticks: We the Vice-Chancellor, Doctors, Proctors, and Maſters, Regent and not Regent, met in Convocation, in the accuſtomed Manner, Time and Place, on *Saturday*, *July* 21. 1683. concerning certain Propoſitions contain'd in divers Books and Writings, publiſhed in the *Engliſh* and alſo in the *Latin* Tongue, repugnant to the Holy Scriptures, Decrees of Councils, Writings of the Fathers, the Faith and Profeſſion of the Primitive Church; and alſo deſtructive of the Kingly Government, the Safety of his Majeſty's Perſon, the Publick Peace, the Laws of Nature, and Bonds of Human Society; by our unanimous Aſſent and Conſent, have decreed and determined in Manner and Form following.

The Firſt Propoſition.

'All Civil Authority is derived Originally from the People.

The

The Second.

'There is a mutual Compact, Tacit or Expreſs, 'between a Prince and his Subjects; and that if he 'perform not his Duty, they are diſcharged from 'theirs.

The Third.

'That if lawful Governours become Tyrants, or 'govern otherwiſe than by the Laws of God and 'Man they ought to do, they forfeit the Right they 'had unto their Government.

The Fourth.

'The Sovereignty of *England* is in the Three Eſtates, '*viz.* King, Lords, and Commons. The King has 'but a Co-ordinate Power, and may be over-ruled 'by the other Two.

The Fifth.

'Birth-right and Proximity of Blood give no Title 'to Rule or Government; and it is Lawful to pre-'clude the next Heir from his Right and Succeſſion 'to the Crown.

The Sixth.

'It is Lawful for Subjects, without the Conſent, 'and againſt the Command of the Supreme Magi-'ſtrate, to enter into Leagues, Covenants and Aſſo-'ciations, for the Defence of themſelves, and their 'Religion.

The Seventh.

'Self-Preſervation is the Fundamental Law of 'Nature, and ſuperſedes the Obligation of all others, 'whenſoever they ſtand in Competition with it.

The Eighth.

'The Doctrine of the Goſpel concerning Patient-'Suffering of Injuries, is not inconſiſtent with vio-'lent reſiſting of the Higher Powers in caſe of Per-'ſecution for Religion.

The Ninth.

'There lies no Obligation upon Chriſtians to 'Paſſive Obedience, when the Prince commands any 'Thing againſt the Laws of our Country; and the

'Primitive Christians chose rather to die than resist, 'because Christianity was not settled by the Laws of 'the Empire.

The Tenth.

'Possession and Strength give a Right to Govern; and 'Success in a Cause or Enterprize proclaims it to be 'Lawful and Just: To pursue it, is to comply with 'the Will of God, because 'tis to follow the Conduct 'of his Providence.

The Eleventh.

'In the State of Nature there is no difference be-'tween Good and Evil, Right and Wrong: The 'State of Nature is a State of War, in which every 'Man hath a Right to all Things.

The Twelfth.

'The Foundation of Civil Authority is this Na-'tural Right, which is not given, but left to the 'Supreme Magistrate upon Men's entring into So-'cieties; and not only a Foreign Invader, but a 'Domestick Rebel, puts himself into a State of Na-'ture to be proceeded against, not as a Subject, but 'an Enemy; and consequently acquires by his Re-'bellion, the same Right over the Life of his Prince, 'as the Prince for the most heinous Crimes has over 'the Life of his own Subjects.

The Thirteenth.

'Every Man after his entring into a Society, re-'tains a Right of Defending himself against Force, 'and cannot Transfer that Right to the Common-'wealth, when he consents to that Union whereby 'a Commonwealth is made; and in case a great 'many Men together have already resisted the 'Commonwealth, for which every one of them ex-'pecteth Death, they have liberty then to joyn toge-'ther to assist and defend one another. Their bearing 'of Arms subsequent to the first Breach of their Du-'ty, tho' it be to maintain what they have done, is 'no new unjust Act, and if it be only to defend their 'Persons, is not unjust at all.

The Fourteenth.

'An Oath ſuperadds no Obligation to Pact, and 'a Pact obliges no further than it is credited; and 'conſequently, if a Prince gives any Indication that 'he does not believe the Promiſes of Fealty and Al-'legiance made by any of his Subjects, they are there-'by freed from their Subjection, and notwithſtanding 'their Pacts and Oaths, may lawfully Rebel againſt 'and deſtroy their Sovereign.

The Fifteenth.

'If a People that by Oath and Duty are obliged 'to a Sovereign, ſhall ſinfully diſpoſſeſs him, and 'contrary to their Covenants, chuſe and covenant 'with another; they may be obliged by their latter 'Covenants, notwithſtanding their former.

The Sixteenth.

'All Oaths are Unlawful, and contrary to the 'Word of God.

The Seventeenth.

'An Oath obligeth not in the Sence of the Im-'poſer, but the Taker.

The Eighteenth.

'Dominion is founded in Grace.

The Nineteenth.

'The Powers of this World are Uſurpations upon 'the Prerogative of *Jeſus Chriſt*; and it is the Duty 'of God's People to deſtroy them, in order to the 'ſetting *Chriſt* upon his Throne.

The Twentieth.

'The *Presbyterian* Government is the Scepter of '*Chriſt*'s Kingdom, to which Kings as well as others 'are bound to ſubmit; and the King's Supremacy in 'Eccleſiaſtical Affairs, aſſerted by the Church of '*England*, is injurious to *Chriſt*, the ſole King and 'Head of his Church.

The Twenty Firſt.

'It is not lawful for Superiours to impoſe any 'Thing in the Worſhip of God, that is not antece-'dently neceſſary.

The Twenty Second.

'The Duty of not offending a weak Brother, is 'inconsistent with all Human Authority of making 'Laws concerning indifferent Things.

The Twenty Third.

'Wicked Kings and Tyrants ought to be put to 'Death; and if the Judges and inferiour Magistrates 'will not do their Office, the Power of the Sword 'devolves to the People; if the major Part of the 'People refuse to exercise this Power, then the Ministers may Excommunicate such a King; after 'which it is lawful for any of the Subjects to kill 'him, as the People did *Athaliah* and *Jehu Jezabel.*

The Twenty Fourth.

'After the Sealing of the Scripture Canon, the 'People of God in all Ages are to expect new Revelations for a Rule of their Actions; and it is lawful for a private Man, having an inward Motion 'from God, to kill a Tyrant.

The Twenty Fifth.

'The Example of *Phineas* is to us instead of a 'Command; for what God hath commanded or approved in one Age, must needs oblige in all.

The Twenty Sixth.

'King *Charles* I. was lawfully put to Death, and his 'Murderers were the blessed Instruments of God's 'Glory in their Generation.

The Twenty Seventh.

'King *Charles* I. made War upon his Parliament, 'and in such a Case the King may not only be resisted, but he ceaseth to be King.

'We Decree, Judge, and Declare, all and every 'of these Propositions to be False, Seditious and Impious, and most of them to be also Heretical and 'Blasphemous, infamous to Christian Religion, and 'destructive of all Government in Church and 'State.

'We

'We further Decree, That the Books which contain the aforesaid Propositions and impious Doctrines, are fitted to deprave good Manners, corrupt the Minds of unwary Men, stir up Seditions and Tumults, overthrow States and Kingdoms, and lead to Rebellion, Murther of Princes, and Atheism it self: And therefore we interdict all Members of the University from reading of the said Books, under the Penalties in the Statutes express'd. We also Order the said recited Books to be publickly Burnt by the Hand of our Marshal in the Court of our Schools.

'Likewise we Order, That in perpetual Memory hereof, these our Decrees shall be entred in the Regiſtry of our Convocation; and that Copies of them being communicated to the several Colleges and Halls within this University, they be there publickly affix'd in the Libraries, Refectories, or other fit Places, where they may be seen and read of all.

'Lastly, We command and strictly injoyn, all and singular the Readers, Tutors, Catechists, and others, to whom the Care and Trust of Institution of Youth is committed, That they diligently Instruct and Ground their Scholars in that most necessary Doctrine, which in a manner is the Badge and Character of the Church of *England*, of *submitting to every Ordinance of Man for the Lord's sake, whether it be to the King as Supreme, or unto Governours as unto them that are sent by him, for the Punishment of evil Doers, and for the Praise of them that do well:* Teaching that this Submission and Obedience is to be clear, absolute, and without Exception of any State or Order of Men. Also that they, according to the Apostle's Precept, exhort, *That first of all Supplications, Prayers, Intercessions, and giving of Thanks, be made for all Men, for the King, and all that are in Authority, that we may lead a quiet and peaceable life in all Godliness and Honesty,*

'for,

'*for this is good and acceptable in the ſight of God our Sa-*
'*viour:* And in eſpecial manner, that they preſs and
'oblige them humbly to offer their moſt ardent and
'daily Prayers at the Throne of Grace, for the Pre-
'ſervation of our Sovereign Lord King *Charles*, from
'the Attempts of open Violence and ſecret Machi-
'nations of perfidious Traitors; that the Defender of
'the Faith, being ſafe under the Defence of the moſt
'High, may continue his Reign on Earth, till he
'exchange it for that of a late and happy Immor-
'tality.

The *Title* of this Decree, ſpeaks it to be, againſt *certain Doctrines deſtructive to the Perſons and Government of Princes.*

The *Preamble*, which, as well as the *Title*, muſt have equally relation to every Thing therein condemned, ſets forth the Occaſion of making this Decree, *viz.* By reaſon of the then late intended Aſſaſſination of his Majeſty and the Duke of *York*, they find it a *neceſſary Duty* to ſearch into, and lay open thoſe *Impious Doctrines*, which having been of late ſtudiouſly diſſeminated, gave Riſe and Growth to thoſe nefarious Attempts. Then follows the Form of the Decree, which goes upon three Grounds. Firſt, *To the Honour of the Holy and Undivided Trinity:* Secondly, *The Preſervation of Catholick Truth in the Church:* Thirdly, That the *King's Majeſty may be ſecured both from the Attempts of open bloody Enemies, and Machinations of treacherous Hereticks and Schiſmaticks:* Anſwerable whereto, the Judgment they pronounce conſiſts alſo of Three Parts, *Falſe*, *Seditious*, and *Impious*; ſo that the plain Senſe thereof runs thus: We the Vice-Chancellor, *&c.* do, to the Honour of the Holy and Undivided Trinity, Decree, Judge and Declare, all and every of theſe Propoſitions [which are in Number Twenty Seven] to be *Impious*; We do, for the Preſervation of Catholick Truth in the Church, Decree them to be *Falſe*; and that the King's Majeſty

jeſty may be ſecured, *&c.* We do Decree them to be *Seditious.*

That this heavy Cenſure extends equally to *every one* of the Propoſitions thereby condemned, cannot according to any Rules of Speech be denied; and therefore we cannot without much Admiration ſee, that ſo great a Body as the *Convocation of Oxford*, whoſe Piety ought to be as reſplendent as their Learning, ſhould mingle together ſome Propoſitions, which as we have ſeen in this Decree, are moſt Falſe and Prophane, with others, which, as we ſhall ſhew in this Diſcourſe, do contain nothing but Truth, and are agreeable to our Conſtitution; and include them all without Diſtinction under one and the ſame hard Condemnation, which this Decree lays on them: And the more are we aſtoniſh'd to ſee this done to the Honour of the *Moſt Holy Trinity*, that tremendous Name not to be taken into the Mouth of any Chriſtian, but upon great Neceſſity, weighty Cauſe, and with the greateſt Reverence, Humility, and Holy Awe, of that *Almighty Incomprehenſible* BEING who is Great and Wonderful.

Whether *this* Decree was intended chiefly to condemn thoſe Propoſitions, which are in Truth ſo Falſe and Irreligious, that there was no need for that Convocation to paſs any Cenſure upon them, becauſe they are ſo vile, that the Church of *England* never was, nor can be ſuſpected to hold ſuch pernicious and prophane Principles; or, whether the true Deſign of the *Oxford Convocation*, at that Time when there ſeem'd a greedineſs to devour our Conſtitution, was as far as in them lay, to make their Court to the then Government, with the agreeable Morſel of the Nations Liberties and Properties; and therefore the better to colour their Intention of condemning thoſe Propoſitions which are entirely conformable to the Freedom and Rights of our Country, they jumbled thoſe others with them, and like Dr. *Sacheverell* with the Diſſenters, condemned all by the Lump; without which, what they

they intended by their Decree, would have been ſo very apparent, that hardly any, except the moſt profligate, and the very ſcum of the Clergy, but would, even at that complimenting Seaſon have deteſted and abhorred ſo baſe and barefaced a Piece of Flattery: For which of theſe Purpoſes it was that the Decree was made, only *God* and their own *Conſciences* can tell; and we can only conjecture from the Time and Manner of making this Decree, and preſenting it to King *Charles* II.

To enter into the Conſideration of every one of theſe Twenty Seven Propoſitions, as it would be beſide our Purpoſe, ſo we know not any Man alive who eſpouſes ſome of thoſe Principles; or if any ſuch there be, let him be brought to a due Senſe of his Sin, or ſuffer condign Puniſhment. We will therefore confine our ſelves to the Fourth and Fifth *Propoſitions*, which ſeem to be what the Moſt Noble Houſe of Peers had chiefly in view in condemning this Decree. The Fourth, *viz. The Sovereignty of* England *is the Three Eſtates*, viz. *King, Lords, and Commons*, being condemned by this Decree, the Houſe of Peers ſay, That Decree contains Poſitions *contrary to the Conſtitution of this Kingdom.* The Fifth, *viz. Birth-right and Proximity of Blood give no Title to Rule or Government; and it is lawful to preclude the next Heir from his Right and Succeſſion to the Crown*, being alſo condemned by this Decree, their Lordſhips ſay, It contains Poſitions *deſtructive to the Proteſtant Succeſſion as by Law eſtabliſht.*

That we may the better conſider theſe *Two Propoſitions*, we muſt ſee what is the true genuine Senſe of the *Univerſity* in condemning them, which we think can be no other but the eſtabliſhing a *Supreme Arbitrary Power* in the *Crown* diſtinct from the *Parliament*, and an *Unalterable Divine Right* of *Succeſſion*; in plain *Engliſh*, to eſtabliſh their at that Time ſo much preach'd up Doctrines of *Paſſive-Obedience* and *Non-Reſiſtance*; and to be to this effect:

We

We do Decree, Judge and Declare, that your Majesty King Charles II. *is Absolute Monarch of this Kingdom; that the Supreme Power is* solely, entirely, *and* inseperably *vested in you as* King; *That your* meer Will *and* Pleasure *when declared to your Subjects, is the* undoubted Law *and* Rule *which we are to Steer by; that we are bound to an* actual *Obedience of all your Commands consistent with the Laws of God, and to a* Passive *Obedience to whatsoever you shall command, and that this Obedience is to be without any* Restriction *whatsoever: That should your Majesty require from us our Estates, Wives, or Children, or introduce a Change of Religion into your Kingdom, or whatever else should be your* Royal Will *and* Pleasure; *you are only accountable to God, but to no Power on Earth; and we are not to examine into the Reasons of your Commands, but are humbly to acquiess therein, and are in no case to resist, or use other Endeavours than* Tears, *and* Prayers *that God would guide you in the right Way, and turn your Heart if you be in Errour: And this Obedience we are to pay you, not only for* Wrath, *for fear of your Displeasure, or suffering the Punishment you may by your Power inflict on us for our Disobedience; but also for* Conscience-sake; *for your Majesty is God's Ordinance, and we cannot resist you under a less Penalty than the* Eternal Damnation *of our Souls. And we do further Decree, Judge, and Declare, That this* Absolute Unlimited Divine Right, *is so* essentially *vested in the Royal Family whereof you are now the Chief, that whensoever you the* Breath of our Nostrils, the Anointed of the Lord, *shall be gathered to your Fathers without Issue, the like* unbounded Sovereignty *must descend to you Brother the Duke of* York, *and to his* Right Heirs; *for neither he nor they can be set aside upon any account whatsoever, but have by* Birth-Right *and* Proximity of Blood, *an* inherent unalienable *Right to the same* Unlimited *Authority as now your Majesty is possest of: And this we do Decree, Judge and Declare, to the* Honour of the Holy and Undivided Trinity, *this being the very* Truth of God, *and agreeable to his Commands and Appointments in Holy Scripture; and to say otherwise is* Impious: *We Decree it for the Preserva-*

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tion of Catholick Truth in the Church, the contrary being False: *And we Decree it for the Safety of your Majesty's* Person *and* Government, *to prevent for the future such* nefarious Attempts *as the contrary Doctrines have lately given Rise and Growth to.*

This being the plain untortured Sense of the Decree, for to give it any other, could hardly be consistent with common Sense, and would weaken the Compliment the *University* intended to King *Charles* II. by presenting it to him; and according to the Eternal Laws of Truth, we are always to speak to a Person in Words which may convey to him the Intention of our Minds in the Matter we speak about; and then most of all are we to be sincere, when we usher in our Words with the Great Name of *God*: Let us now see how pernicious and opposite this *Decree* is to our *Constitution.*

And here the Matter might be rested upon this short Issue.

The University of *Oxford* has no other Power to make Decrees, or do any other Acts whatsoever, but as they derive that Power from what Liberty has been given them by *Act of Parliament*, or by such ancient Custom as the Legislature hath *tolerated* or *indulged* them in the exercise of; both which, the Parliament can at any time wholly take from them, or limit, whenever, and in what Manner and Degree soever they in their great Wisdom shall think fit. On the contrary, the *House of Peers*, is, and has been from all Antiquity, beyond all controversy, alone and distinct from Her Majesty, or the House of Commons, the Supreme *Judicial* Power of this Nation, from whence there is no Appeal: If then the University have *Decreed* one way, and the House of Peers have *condemned that Decree*, the Judgment of that Honourable House must be esteemed to be as *Right* as it is *Irreversible*: And that the Judgments of the House of Peers are *Irreversible*, needs but two Words to demonstrate: First, That there is no other Court can take Cognizance

Cognizance to Cenſure them: Nor Secondly, Can the Houſe of Peers it ſelf, it being impracticable by any Methods of Parliament to bring any Cauſe to a Rehearing before their Lordſhips, which hath once had their Judgment pronounced upon it; nor can it be ſuppoſed, even in a *Legiſlative* Way, (the only way poſſible) they would alter what they had done in their *Judicial* Capacity.

But we ſhall not inſiſt upon this: We will conſider the *Truth* of theſe Two Propoſitions; for according as they appear *True* or *Falſe*, the Judgment of the Houſe of Peers condemning that Decree, will be eſteemed *Good* or *Bad*.

And as to the Fourth, we ſay, That to know the *Supreme Power*, we have only to conſider what are the Properties peculiar thereto, and where they are to be found; and we think they may all be reduced to, as being included in this One, the Power of making Laws, by which the People are Bound: And this Power of making Laws, we ſay, is only in the Crown and the Two Houſes of Parliament together; ſo as that neither the Crown alone diſtinct from the Two Houſes, nor the Two Houſes together diſtinct from the Crown, nor the Crown together with either of the Two Houſes diſtinct from the other, can do any Act or Thing which ſhall be Binding upon the Subject as a *Law*: But that whatſoever all the Three in Conjunction together *Enact*, That, and that only, is to be received by all the People of *Great Britain* as the Law of this Nation, to which they are to be *Subject, not only for Wrath but alſo for Conſcience-ſake.* Rom. xiii. 5.

To ſhew how long this has been the *Conſtitution* of this Nation, and whence it had its Original, would be a meer miſpence of the Reader's Time, to tell him what both our *Law-Books* and *Hiſtories*, the Works of the many Learned Men who have treated of this Subject, do ſhew, That we have had *Great Councils*, ſuch as we now call *Parliaments*, as long as any Footſteps of

of a Government in this Nation can be traced back; and that ſo clearly as puts it paſt all Controverſy and which altho' it were not thus apparent, yet muſt however be acknowledged, that by how much the more difficult it is to find out the *Source* of this Conſtitution, by ſo much is it the more evident, that this has been the Form of Government, ever ſince the Nation was modelled into any Civil Society. And that theſe *Great Councils* did, as now, conſiſt of the Three Eſtates; and that the particular Share which each of thoſe Three Eſtates ever had in the making our Laws, was the very ſame with what they have at this Day, will appear by comparing the enacting Words of the Laws formerly, with thoſe now uſed in our Acts of Parliament; which a few Inſtances of the many which might be produced to the like effect, will ſuffice to evince.

The Laws of King *Ina*; who, if he did not begin his Reign, *A. D.* 688. as ſome affirm; yet was, according to thoſe who place him lateſt, in the Year 712. and whoſe Laws are the firſt now Extant, begin thus:

Lambard's Saxon-Laws, *fol.* 1.

Ego Inas Dei beneficio Occiduorum Saxonum Rex, ſuaſu & inſtituto Cenredi Patris mei, Heddæ & Erkenvaldi Epiſcoporum meorum, omnium Senatorum meorum, & natu majorum ſapientum populi mei, in magna ſervorum Dei frequentia religioſè Studebam tum animorum noſtrorum Saluti, tum communi Regni noſtri conſervationi, ut juſtà judicia per omnem ditionem noſtram Fundata ſtabilitàque ſint.

'I *Ina*, by the Grace of God, King of the *Weſt-*
'*Saxons*, by the *Advice* and *Appointment* of *Cenred* my
'Father, of *Hedda* and *Erkenvald* my Biſhops, of all
'my *Peers*, and of the oldeſt and wiſeſt of my *People*,
'did in a great Aſſembly of the Servants of God,
'diligently endeavour, both for the Health of our
'Souls, and for the Common Good of our Kingdom,
'that juſt Judgments ſhould be firmly eſtabliſh'd
'throughout our Kingdom.

The

The Laws of King *Edgar*, who began to Reign, *A. D.* 959. begin thus:

Leges quas Edgarus Rex frequenti Senatu, ad Dei gloriam, Regiæ Majestatis Ornamentum, ac reipub. utilitatem Sancivit.

Lamb. *fol.* 62.

'The Laws which King *Edgar* establish'd in a *full* 'Parliament, to the Glory of God, the Honour of the 'Royal Majesty, and the Benefit of the Common-'wealth.

The Statutes made 3 *Edw.* I. and in the Reign of *Edw.* III. are *by the Assent of Archbishops, Bishops, Earls, Barons, and all the Commonalty summon'd to Parliament.*

And from thence through the whole Statute Book, they run: *Be it Ordained or Enacted by the Assent of the Lords Spiritual and Temporal, and the Commons in Parliament assembled, and by Authority of the said Parliament*; or, *Be it Enacted by Authority of this present Parliament*; or, *By the King, the Lords Spiritual and Temporal, and by the Commons*; or, as of late, and is now the enacting Words, *By the Advice and with the Consent*, or, *By and with the Advice and Consent of the Lords*, &c.

We see by this, that the Two Houses ever had as now they have, at least an equal, if not a greater share than the Crown in making our Laws: The words *Advice and Appointment* in the Reign of King *Ina*, and the now words *Advice and Consent* have ever reference only to the *Lords* and *Commons* seperate from the *Crown*; what's the reason thereof, but that it's the Two Houses who are to *Advise*, *Consult*, and *Debate*, the Matter before them; if upon Consideration they judge it fit to make a Law, their *Consent* follows; and then the *Royal Assent* being joined with that of the Two Houses, *Enacts* it into a Law: And nothing can shew a greater Propriety of Language, than that those Words, *Advice and Consent*, should relate only to the Lords and Commons, since when they have approved a Bill, the Crown cannot in any Parliamentary Method advise upon it, but must either approve it unalterably as tender'd to them by the Two Houses, or

elſe gives a very tender Negative; for the Crown does never reject expreſly, but in ſuch ſoft Terms of Reſpect, as, though they imply a Diſſent, (and ſo are underſtood) yet they ever evidence a very great Deference in the Crown to the Advice of the Two Houſes of Parliament, by expreſſing the Negative Voice (which undoubtedly belongs to the Crown) by *Le Roy ſe aviſera.*

The *Supreme Power* of the *Parliament* will be further Evident, by mentioning a few Caſes, wherein the Acts of the Crown out of Parliament, are Void and Illegal, which ſame Acts, if done by Parliament, are of full force. The *Parliament* (by which we ever underſtand the *Crown and Two Houſes* in concurrence together) can enable an Infant to do all legal Acts, as a Perſon of full Age by Law may do, but ſo can't the Crown. The Parliament can Illegitimate a Child begotten by an Adulterer, the Husband being within the Four Seas; but neither can the Crown do this. The Parliament can Diſſolve a Marriage, *a vinculo Matrimonii*, but the Crown has no ſuch Power. The Parliament ever had the Power of Naturalizing Aliens, which the Crown could not. The Parliament can impoſe and abrogate Oaths; but the Crown can impoſe no Oath upon the Subject, but as impowered by Act of Parliament ſo to do. The Parliament can lay Taxes and Impoſitions upon the Subject; but that the Crown can't do this, there is the famous Inſtance of the *Ship-Money* in the Reign of King *Charles* I. which that King (who was never negligent of his Prerogative) ſubmitted ſo far to own himſelf in the wrong in endeavouring, that within a few Years after attempting it, he gave the Royal Aſſent to an Act of Parliament, declaring the ſame to be, **contrary to the Law of the Land, and the Rights and Liberties of the Subject**; and which was the ſtronger by coming from him with ſo much Reluctancy as the Hiſtories of that Time ſhew it did. If the Crown

16 Car. 1. c. 14.

would

would grant a Liberty under the Great Seal to *Tenant for Life* to Sell, Mortgage, or any Ways incumber his Eſtate, the next Heir would in *Weſtminſter-Hall* avoid any ſuch Sale or Mortgage, and ſuch a Grant would there be adjudged and declared *Unjuſt* and *Illegal*: But if the Parliament enable *Tenant for Life* to do the like, the next Heir has no Remedy, but muſt for ever ſubmit to ſuch a Loſs. In ſhort, what is it the King or Queen does whenever they give the Royal Aſſent to a Bill, but thereby tacitly acknowledge their Power in the Legiſlature to be Co-ordinate with that of the Two Houſes. And it is not to be omitted, that till *the Act*, 30 Car. 2. cap. 1. *For diſabling Papiſts from ſitting in either Houſe of Parliament*, every Peer had an Inherent Right to Sit and Vote in Parliament, without taking any Oath of Allegiance to the Crown, or other Qualification to capacitate him thereto. But what ſhews moſt of all the Power of Parliaments, is that Spirit of *Immortality* ſo Eſſential to their very *BEING*, that they are at all Times in full Power to exerciſe their Authority in its utmoſt Extent, and can no ways poſſibly be limited or reſtrained therein by any Acts of a preceding Parliament, which are as entirely revokeable by any future Parliament, as if ſuch Acts had never been made.

It remains to ſee, what is that Power, which the Crown hath in it ſelf, diſtinct from the Parliament; which needs no difficulty to diſcover. The *Coronation Oath* which is no new Invention, for the Kings of *England* ever took it, whether we conſider the Old one mentioned by *Bracton*, Bracton, *f.* 107. or as that ſtands now Repealed by the Act 1 *Will.* and *Mary*, *cap.* 6. and a new One ſubſtituted in the Place thereof, ſhews, That it is by *The Statutes, Laws, and Cuſtoms of the Realm*, that our Kings and Queens are to Govern. And as the Law obliges them to take this Oath before they can be Crowned, the Nation is thereby as much entituled to be governed by Law, as the King or Queen is to their

Allegiance; for we cannot allow the Diſtinction of ſome *Clergy-Men*, who, the better to ſupport Arbitrary Power, pretend that this being *an Act of Religion*, if the King or Queen be falſe to this Oath, they are accountable only to God Almighty for ſuch their Breach of Faith; For it is very plain, this is a *Civil Contract* and *Obligation*, in which only the *Prince* and the *People* are *Parties*; and altho' (to uſe the Words of a Great Father of our Church) This, as all *Oaths, is a calling in of God into this Buſineſs, and the* Prince *taking this Oath, does thereby ſet himſelf in the Preſence of God, yet this Oath calls him in only to be a* Witneſs, *without any intent to make him a* Party *to the Buſineſs*: And the like we ſay of the Holy Sacrament of the Lord's-Supper, which our King's (as appears by *Bracton*) have ever been oblig'd to receive at their Coronation; this too, altho' ſo ſolemn an Act of Religion, accompanies the Oath, as a farther *Witneſs* to that Obligation the Prince has enter'd into with his People. And therefore, altho' we are ready to own, that by how much more ſolemnly a King or Queen ratifies this Contract with their People, by ſo much are they more deeply guilty in the Sight of that God, and that Saviour, the Memorials of whoſe Body and Blood they have, by a *voluntary* Breach of that Contract, proſtituted to their own illegal Wills; yet if it be (as certainly it is) a *Civil Contract*, the People have thereby a *Right* to what the Prince obliges himſelf to: If then they have a *Right*, it is abſurd to deny they have a *Remedy* to attain to that Right; for ſurely it cannot be deny'd, but that, as the whole Intereſt of the *Publick* is ever to be preferr'd before the Property of any *Private* Member, ſo the whole Nation may, for the Preſervation of the Conſtitution, when upon the very brink of Deſtruction, through the Arbitrary Attempts of a Prince to ſubvert it, take proper Meaſures for Defence of the Rights and Liberties of

Bp. Sanderſon's *9 Caſes of Conſcience*, fol. 13, 14.

the

the whole Community; when it's undeniable, that by our Laws, if a King or Queen ſhould invade the Property of any, the meaneſt Subject, that Subject has a Power to go to Law with that Prince, for the Recovery of his Right, and the Judges in *Weſtminſter-Hall* are bound to give Judgment for that Subject, againſt that Prince, by whoſe Commiſſion they there ſit, and give that Judgment. And, indeed, if the People have a *Right* (and otherwiſe the *Coronation Oath*, and that moſt *Sacred Solemnity* which accompanies it, would be only an ornamental Piece of Formal Pageantry, than which, few Things can be conceiv'd more Prophane) the People conſequently have a *Remedy*, if thoſe *Rights* be invaded: Which thoſe who would have a Nation wait for that Remedy, till the *Great Day of Retribution*, muſt take heed of *Provoking the Lord to Jealouſy*, who has declar'd, *he will not give his Glory to another*; let them therefore take heed of *exalting* their *Prince*, at the Expence of *robbing God* of the Glory of that Great Attribute, his Juſtice, ſince at that General Judgment, a Nation, *as ſuch*, can have no Reſtitution for any Wrongs receiv'd; For, as a late Pious and Learned Prelate of our Church ſays, *In the next World all thoſe Publick Societies, wherein Men are now link'd together, under ſeveral Governments, ſhall be then diſſolv'd, and God will not then Reward or Puniſh Nations, as Nations; and therefore it is, that God recompences Righteous Nations with Temporal Bleſſings and Proſperity, although, as to particular Perſons, his Providences are many times promiſcuouſly adminiſtred in this World; and God accounts it no diſparagement to his Juſtice, becauſe there is another Day a coming, which will be a more proper Seaſon of Reward. But God deals not thus with Nations, becauſe Publick Bodies, and Communities of Men*, as ſuch, *can only be rewarded and puniſh'd in this World.* Beſides, how ſmall a Satisfaction it would be to a People, oppreſs'd by an outragious Tyranny, to have no pro-

Iſaiah, Chap. 42. verſ. 8.

Arch-Bp. Tillotſon's *Sermons, vol.* 1. *fol.* 132, 133.

ſpect of Comfort, but in the Thoughts, which to any Soul, that has the leaſt Remnant of Charity, would be odious, that the Tyrant ſhall be eternally damn'd for it. We do very readily and willingly acknowledge the Queen to have the *Supreme Executive Power* of this Nation veſted in her, and that ſhe is the *Miniſter of God to us for Good*, in the *Exerciſe* of that Power; but that Power can extend no farther than the Law has limited it, and is ever guided by the *Legiſlative* Power, in the *manner* and *degree* of its Extent and Exerciſe: And if a King or Queen would command a Subject to do any Act contrary to Law, that Subject may, nay muſt refuſe to obey, or the Law will puniſh him for ſuch Act, altho' done at the Command of his Prince. When we have nam'd the Petition of Rights, 3 *Car.* 1. and the Act 1 *W. & M. Declaring the Rights and Liberties of the Subject*, we need add no more to prove it. And bleſs'd is that Prince, who is ſo lively *a Ray* of the *Deity*, as to have a Power, we had almoſt ſaid *Omnipotent* to do *Good*; and is reſtrain'd from nothing, but a Capacity of doing any *Act* that is evil, againſt the Law he is ſworn to obſerve.

Romans, Chap. 13. verſ. 4.

Having thus ſhewn, what is the Power of the *Parliament*, what that of the *Crown*, and compar'd both together, in ſome particular Inſtances; the Truth of this Propoſition is manifeſt, That *the Supreme Power of this Nation is in the three Eſtates (viz.) Queen, Lords, and Commons.* And, if we had not ſhewn it ever to have been ſo, yet it being undeniable, that thus it has been for many Ages, it is ſufficient to clear the Truth of the Propoſition. Well therefore might the Moſt Honourable Houſe of Peers Adjudge and Declare the *Oxford Decree*, which condemn'd this as *Falſe, Seditious, and Impious*, to *contain Poſitions contrary to the Conſtitution of this Kingdom.*

We are next to conſider the 5th Propoſition condemn'd by the *Oxford* Decree, which is this: *Birthright*,

right, and Proximity of Blood, give no Title to Rule or Government; and it is lawful to preclude the next Heir from his Right and Succeſſion to the Crown.

Here we muſt ſee what is meant by *Right* or *Title*; and we think that whatſoever *Right to Government* any Perſon can have, muſt be comprehended under one of theſe Three Heads, a *Natural*, a *Divine*, or a *Legal Right*.

By a *Natural Right*, we intend that Right which is by *Nature* inſeparably veſted in any Perſon; which, altho' it be a *Divine Right*, in the higheſt Senſe, yet we chooſe to call it *Natural*, to diſtinguiſh it from that other *Divine* Right we ſhall preſently ſpeak to. This *Natural Right* of Government then, is that which a Father has over his Children; which was, at firſt, an abſolute Dominion, uncontrolled and unlimited by any Reſtraint, but the Laws of Right Reaſon, naturally imprinted in the Breaſt of the rational Soul of Man; and this Right ſtill remains to every Father, ſubordinate to the written Laws of God, and the Laws of each reſpective Nation, of which ſuch Father is a Subject. But how this *Natural Right*, of which all the Sons of the Firſt Man, as they became Fathers, had, in the ſame Degree, over their reſpective Children, and in like manner their Poſterity after them, can be extended to whole Nations united under Government, we can't conceive, nor indeed can it be; For as according to all who write of the Original of Government, except ſome few *Sycophantizing Proſtitutors* of their Countries *Liberties*, to the *Arbitrary Appetites* of *Vicious Princes*, and whoſe Works have, to their Eternal Shame, been ſufficiently confuted; the Government of Nations began, and is indeed moſt conſonant to Right Reaſon, that its Original muſt be from that Neceſſity, which, as Mankind multiply'd, the People finding it impracticable otherwiſe to live with any degree of Comfort, did therefore unite into Societies, under ſome ſort of Government, that every Man, under the Protection

of that Government, with the greater Contentment, Safety, and Peace, might enjoy his Property, free from the Hazards and Fears of having it invaded by thoſe who were more mighty; and even in *Paternal* Right of Dominion, thoſe Laws of Right Reaſon, and that natural Affection which God has implanted in the Breaſt of Parents to their Children, ſhews that even this was intended of God for the Good of the Child, whilſt unable to help it ſelf, and not chiefly, if at all, for the aggrandizing the Parent. As then the *Original* of Government was for the Good and Advantage of the *Governed*, the very End thereof would be fruſtrated; for the far greateſt Part of Mankind would be incapable of receiving the Benefit originally deſign'd thereby, becauſe this Natural Right would veſt the Government of the whole Earth in one ſingle Perſon; nor could he, by Gift or otherwiſe, diveſt himſelf of any Part of this Right, for then it would become an *Acquir'd* Right in the Perſon who had ſo receiv'd it, and ceaſe to be that *Natural* Right we are now ſpeaking of. But howſoever the Original of Government were, it now imports little or nothing to the Right of any Prince whatſoever, ſince if they at this time had no Right to their Crowns but what *Nature* has given them, as they would all be *Uſurpers* but *One*, ſo we doubt it would puzzle even thoſe who can derive their Pedegree the higheſt, to prove themſelves any more than Kings *de Facto*; and what Prince (howſoever limited in his Power by the Laws of his Country) but has, by thoſe Laws, a much ſurer Title to his Crown, than any *Natural Right* he can produce. We conclude then, that as there is now no ſuch Thing as this *Natural Right*, ſo the Right or Title intended by this *Propoſition*, muſt be One of the other Two we have mention'd.

The next then to be conſider'd, is, the *Divine Right* of Government, which we call that, whereby the *immediate Poſitive Appointment of God*, a Perſon is nominated

ted to be King or Ruler of any People, and his Poſterity after him; there every ſuch Perſon has a *Divine* Right of Government over that People whereof he is by ſuch Divine Appointment made the Ruler, and cannot (while it is apparent that that Right continues to him) be ſet aſide, nor his Family, but by ſome ſubſequent Command or Permiſſion from God. Such was the Right of *Saul* to be King over *Iſrael*; ſuch likewiſe the Right of *David*; and ſuch afterwards was the Right of *Jeroboam* over Ten Tribes of *Iſrael*: But unleſs a Perſon can produce the like Appointment to himſelf or his Anceſtors, which we think no Prince upon Earth can now do, we conceive it would be too great Preſumption for any Perſon to pretend ſuch a peculiar Privilege from Heaven: For altho', as the Learned Sir *Walter Raleigh* piouſly obſerves, *That notwithſtanding the Original of Government may (humanly ſpeaking) be aſcribed to Reaſon and Neceſſity, yet it was God himſelf that firſt kindled this Light in the Minds of Men*; and we very readily own that *Government* in the General is from God, and it muſt be granted to us too, that if it be from God, it muſt be for *Order*, and not for *Confuſion*; for he is the *God of Order*, and nothing can be from him, that, inſtead of *Order* deſtroys it, or tends to put People into a worſe Eſtate than they would otherwiſe be; yet we no where find that God interpos'd in directing any Nation what *Form* of Government to put themſelves into, but left that to the Wiſdom of each Nation; much leſs in nominating who ſhould be King in thoſe Nations which formed themſelves into Kingdoms; One only Nation excepted, that of the *Jews*, and in which by his Appointment or Permiſſion the Form of Government was many times changed as beſt ſuited the Temper and Diſpoſition of that People; which as for wiſe Reaſons, ſo may ſerve to confute the Notion of thoſe who pretend the Monarchy of this Nation to be of Divine Right. As to the Kings in any other Nations, which

Hiſt. of World, Book 1. *Chap.* 9. *Sect.* 1.

may

may ſeem to have been ſet up of God, as *Pharaoh* who is ſaid to be *raiſed up of God*, and *Nebuchadnezzar*, to whom God is ſaid *to have given a Kingdom*, although it may be doubtful whether more be there intended than that by God's *Permiſſion* they were ſet up to be Kings, it being ſo common a Phraſe in Holy Scripture to call that the *Act* of God which only his Providence *permits* to be done; yet be it ſo that they were by God's *immediate Appointment*, we ſee it is ſo far from the Intent of Almighty God by any Authority from him to countenance the Notion of the Divine Right of Monarchy, that whenever God did appoint a King by immediate Command, when that King became faulty, God ſet him aſide, or his Poſterity, as a Puniſhment to him. Thus *Saul*, when he diſobeyed God's Command, loſt his Kingdom, and was abandoned of that Holy Spirit which God had given him. Thus *Solomon*'s Poſterity loſt a part of the Kingdom for his Idolatry. This ſhews that when Kings were indeed the Ordinance of God by his expreſs Appointment, he would not ſuffer his People to be ſo miſtaken about what was his *Ordinance*, but rather than they ſhould think his *Juſtice*, *Goodneſs*, or *Holineſs* could intend that which once had been his Ordinance, to be ſtill ſo, after they left off to act uprightly, or were guilty of Faults unbecoming his Ordinance; he would by his own immediate Interpoſition remove that Perſon or his Poſterity, and condeſcend to give his Reaſons for it, and ſuch as ſhewed it to be not more for the Puniſhment of that Perſon who had acted ſo unbecoming a Vicegerent of God, than for convincing the People, that *no one* could be any longer his Ordinance, than while they acted according to the Divine Will and Laws: And ſo rightly did the People of God conceive of the Divine Will in this thing, that when *Reboboam* refus'd to make a *Covenant* with them for his good Government, whether to ratify with them thoſe *eſtabliſh'd*

Exod. *Chap.* 9. *Verſe* 16.

Daniel, *Chap.* 2. *Verſe* 37.

Contracts

Contracts already in being in the time of the Kings his Predeceſſors, or then to form one, we know not, tho' from the ſacred Hiſtory the Former ſeems moſt likely; but upon his Refuſal, the People, without Heſitation, took ſuch Meaſures as ſeemed beſt for their own Security, and this without any particular Command from God; altho' indeed God did by this means, as is uſual in the courſe of his Providence to work his own Will through ſecond Cauſes of free Agents, bring about that Diviſion of the Kingdom, which he had before for the Wickedneſs of *Solomon* determined to rend from his Poſterity. We conclude then, that there is now upon Earth no ſuch thing as a Divine Right of Monarchy, that is, that Kings have no otherwiſe their Power from God, than (which with great willingneſs we agree in) that *by the Law of God the Authority of the Law of the Land is ſecured to them*; or in other Words, that *whatſoever Power is veſted in the Crown by the Laws of the Land, that Power all the Subjects of the Nation are bound in Conſcience by the Law of God to ſubmit to, and obey.* But we think from what we have ſaid, that the *Right* or *Title* mentioned in the *Propoſition*, cannot be intended to be this *Divine Right* we have ſpoken of.

There remains the third Right we have mention'd, *viz.* a *Legal Right*, which we call that where by the Laws of any particular Country the Succeſſion to the Crown is ſetled in any particular Family, there that Family has a *Legal* Right to inherit to that Crown, either abſolutely without any Limitation (if ſuch can in truth be the Original Conſtitution of any Monarchy) or upon ſuch Terms as the Conſtitution of that Nation has ſetled; or even in an Elective Kingdom, ſo ſoon as a Perſon is, according to the eſtabliſh'd Method of ſuch Elections, duly choſen King, that Perſon has thence forward a *Legal* Right to be King of that Country, in ſuch manner, and for ſuch time as by that Election it is intended to continue, either to him only for his Life, or for a term of Years, or to his Sons or further Poſterity: For ſuch Term as by the

the Laws of that Country an Election is to ſettle the Crown, ſo long that Perſon or his Family have a *Legal* Right to be King.

To ſee then, as to this Nation, although it may be called an *Hereditary* Monarchy, yet we think it will appear very fully that there is not ſuch an *Unalterable Inherent Right of Succeſſion*, as that it can on no account be interrupted; by ſhewing, Firſt, that there are certain Conditions annexed to the Crown, which the People have a Right to be performed to them; and Secondly, that the Succeſſion has been ſeveral times actually interrupted.

If the Crown be held upon certain Conditions, then ſurely it would be a great Abſurdity to pretend, that either upon a Perſon's refuſal at coming to the Crown to engage in the Performance of thoſe Conditions, or for after breach and endeavour of a total Subverſion of them, the People could by no means ſet him aſide, and place another in his room, from whom they could be ſecured of their Enjoyment of thoſe Rights. And that there are certain Conditions to be performed to the People by the Perſon who enjoys the Crown, is certain from the *Coronation Oath*, which we have already ſpoken of in conſidering the Fourth Propoſition, and which we humbly conceive, if the Conſtitution of the Government did not oblige to be taken, even thoſe Princes whoſe Diſpoſitions do the moſt readily incline them to govern their People well, would hardly care to load themſelves withal; but would rather chooſe, by being under no Obligation, to let their People feel the continual Series of their voluntary good Diſpoſition towards them, in an upright Adminiſtration; than by being bound by that Oath ſo to do, loſe the Glory, which after that Oath is laid on them, they can no longer have, of making appear that it is, not ſo much the Neceſſity they are under from their Oath, to be good, as it is their natural Inclinations which make them govern well.

This

This Coronation Oath which we have juſt Reaſon to believe our Kings were ever obliged to take, becauſe we cannot find when it had its beginning, is we may ſay the Ratification which every King makes with his People, of the *Original Contract* between them, which *Contract* (however ridicul'd as a Fiction) muſt be a Reality: For although it's likely it never was in Writing, but only Verbal at firſt, and therefore can have no other Evidence than a thing of that Nature is capable of; yet we need no better Evidence for it than that the Records of all Antiquity mention the Conditional Tenure of the Crown, and this confirm'd in Parliament by former Kings, and to this Day maintained by the People whenever attempted to be deſtroyed; not to mention that the very Nature of Government in a Limited Monarchy ſuch as we have (in conſidering the Fourth Propoſition) ſhewed this Nation to be, neceſſarily implies it. And we might add for a full Proof of it, the Reſolution of both Houſes of Parliament concerning the late K. *James's Breach* of the *Original Contract between King and People*, but that of late their Authority is little regarded by ſome ſort of People.

The Laws of King *Edward* the Confeſſor, confirm'd by *William* called the Conqueror, ſay under the Title.

De Regis Officio.

Rex autem, ad hoc eſt conſtitutus, ut Regnum terrenum, & populum domini, ab injurioſis defendat. Quod niſi fecerit, verùm nomen Regis perdit. Lambard, *fol.* 142.

But the King is ſet up for this Purpoſe, that he ſhould defend the Earthly Kingdom, and the People of the Lord, from Wrong-doers. Which if he don't perform, he loſes even the Name of King.

This Law confirmed by *William* called the Conqueror, is as great Evidence as can be deſired, both that he was no *Conqueror* in the ſtrict Senſe of that Word, but that he ſubmitted to ſuch a Limited Power as his *Saxon* Predeceſſors were poſſeſs'd of, without making

making any Alteration in the *Fundamental Conſtitution* of the Nation; and alſo that there ever were certain *Conditions* annex'd to the Crown, or an *Original Contract*, for Breach of which it was forfeitable.

The Charter of King *John* confirming the Laws and Liberties which had been formerly ſetled and confirmed by a Charter of King *Henry* I. and was ſetled by this King with a Condition *that if he acted contrary thereto, his Subjects might by Force compel him to obſerve the ſame*; is likewiſe a great Evidence of the Rights of the People by the *Original Contract*; and being the ſame with the *Great Charter*, is thought to be the reaſon it is omitted in the Statute-Book.

And altho' it were not ſo evident, that the Crown had in the earlieſt Times been held upon certain Conditions to be performed to the People; yet ſince it is clear beyond diſpute, that ſuch has been the Tenure of the Crown for ſeveral Hundred Years laſt paſt; then even admitting this had come to the People originally by the Grace and Favour of the Prince, yet it muſt be confeſt that the People have *now* ſuch a Right thereto as can't be taken from them, and conſequently that the Crown is held Conditionally; and therefore ſo often as the next Heir has ſucceeded to the Crown, it has been the Nation's admitting him upon his Engagement to defend them in the Enjoyment of thoſe Rights and Privileges which his Anceſtors had maintained them in, rather than by a meer Hereditary Right thereto: And tho' this may be reaſonably preſumed in a limited Monarchy, although no Interruption had been in the Succeſſion, yet much more muſt it be allowed ſo to be, when we ſhew,

Secondly, That the Succeſſion has been often broken into, and ſeveral times ſettled by Act of Parliament: In which it is not needful to our purpoſe to go higher than the time of *Edward* the Confeſſor, after whoſe Death, *Harold* Son of Earl *Goodwin* was preferred

red to the Crown, altho' *Edgar Athelin* was the next Rightful Heir, being Grandſon of *Edmund Ironſide*.

William the Baſtard, Son of *Robert* the 2d Duke of *Normandy*, having ſlain *Harold* in Fight, obtained the Crown of *England*, claiming it by the Promiſe of *Edward* the *Confeſſor*, and that ratified by the Conſent of the State, which therefore was not either by Inheritance or Conqueſt.

William the Second ſucceeded him, and then his younger Brother King *Henry* I. altho' their Brother *Robert*, elder than them both, was ſtill alive.

After *Henry* I. *Maud* the Empreſs his Daughter, by Right of Inheritance, muſt have ſucceeded him; but inſtead of her, *Stephen* Son of *Stephen* Earl of *Blois* by *Adela*, who was but the third Daughter of *William* I. was ſet up to the Crown, and held it during his Life.

After the Death of King *Richard* I. his younger Brother *John* was by the *Great Councell* admitted to be King, altho' *Arthur* the Son of *Geffrey* his Elder Brother was living; and therefore this was not by Inheritance.

King *Edward* II. the right Heir of King *John*, was depoſed by the People, and his Son King *Edward* III. elected by them in his Place; and altho' he made a Formal Renunciation of his Crown, it was no leſs a Depoſing him, becauſe he was required by the People ſo to do, and threatned (if he refuſed) that the State were reſolv'd to proceed as they thought fit, in renouncing his Children, and Chooſing whom they pleaſed.

King *Richard* II. Grandſon and right Heir of King *Edward* III. was Depoſed, and *Henry* (by the Name of King *Henry* IV.) Son of *John* of *Gaunt* Duke of *Lancaſter*, fourth Son of *Edward* III. ſucceeded to the Crown, altho' *Lionell* his elder Brother, third Son of *Edward* III. had Iſſue then living, (*viz.*) *Edmund* Son of *Roger* Earl of *March*, Son and Heir of *Philippa* Daughter and Heir of the ſaid *Lionell*, and which Earl *Roger* was in the Year 1385. by Parliament declared Heir Apparent to the Crown if King *Richard* II. ſhould dye without Iſſue.

King

King *Edward* IV. Son of *Richard* Duke of *York*, and great Grandſon of *Edmund* Duke of *York*, who was fifth Son of King *Edward* III. was by Parliament made King ten Years before the Death of King *Henry* VI. the Grandſon and Heir of King *Henry* IV. altho' the ſaid King *Henry* VI. had Iſſue Edward Prince of *Wales* then living.

Richard Duke of *Gloceſter*, third Brother to King *Edward* IV. came to the Crown (having Murdered the two Sons of his Brother King *Edward* IV. *viz.* King *Edward* V. and his Brother *Richard* Duke of *York*) altho' *Edward* Earl of *Warwick*, Son of *George* Duke of *Clarence*, his elder Brother, was then living.

King *Henry* VII. ſucceeded to *Richard* III. notwithſtanding that the ſaid Earl of *Warwick* was ſtill living; and as he was a wiſe Prince in other reſpects, ſo he ſhewed his Wiſdom in procuring his Title to the Crown to be ſettled by Act of Parliament, as the only means to render it indiſputable, and which ſurely is a very great Evidence of the Right of the Parliament to ſettle the Crown, when ſo wiſe a Prince muſt needs know, that if either by Right of Conqueſt over King *Richard* whom in Battle he had lately defeated, or by Right of Inheritance to the Houſe of *Lancaſter* which was then veſted in his Perſon, or by the Title of the Lady *Elizabeth* his Wife, the Heir of the Houſe of *York*, (for the only Heir Male, *viz.* *Edward* Earl of *Warwick* he quickly after beheaded) he could derive any certain *Title*; it would be a great Diminution to any of thoſe Titles, to depart ſo far from them, as to receive the Crown by the Donation of the Repreſentative Body of the People aſſembled in Parliament.

25 *Hen.* VIII. Chap. 22.

In the time of K. *Henry* VIII. The Succeſſion to the Crown is ſettled by an Act of Parliament, reciting, that by reaſon no perfect and ſubſtantial Proviſion by Law has been made, of the Succeſſion to the Crown, there has divers Diſturbances happen'd with relation thereto,

there-

therefore the Parliament for the Peace of the Realm do ſettle the Crown to the ſaid King, and the Heirs Male of his Body, *&c.*

In the time of Q. *Elizabeth*, the Parliament had the Power of ſettling the Crown, for, by the Statute 13 *Eliz.* Chap. 1. It was **High Treaſon to affirm, that the Laws and Statutes do not bind the Right of the Crown, and the Deſcent, Limitation, Inheritance, or Governance thereof. And that whoſoever ſhall affirm (before the ſame be eſtabliſh'd by Parliament) that any Particular Perſon is, or ought to be Heir and Succeſſor to the Queen, except the Iſſue of her Body, ſhall incur the Penalty of a Præmunire.** And altho' this Act were but Temporary, and therefore the Penalties thereby inflicted, expir'd with the Statute; yet if the Parliament once had the Power of ſettling the Crown, as is plain, by this and the other Acts which ſettled it, they had; then that Power muſt ever remain in them, and can by no means be eſteem'd a *Temporary* Power, altho' the particular Puniſhment appointed by this particular Law for the denying or oppoſing thereof were but Temporary. 13 *Eliz.* Chap. 1.

By the Statute 7 & 8 *William* III. Entituled, *An Act for the better Security of his Majeſty's Perſon and Government:* It is made a Premunire in any Perſon, **by Writing, Printing, Preaching, Teaching, or adviſed Speaking, to Utter, Publiſh, or Declare, that his Majeſty** [King William] **is not Lawful and Rightful King of theſe Realms, or that any Perſon hath any Right or Title to the ſame, otherwiſe than according to the Act** 1 W. & M. **Entituled, An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown.**

Having thus ſeen, that the Crown is held upon certain Conditions to be perform'd; that the Succeſſion has been frequently broke into, and that not always for non-performance of thoſe Conditions, but upon other Accounts alſo; and likewiſe, that the Parliament has ſeveral times ſettled and limited the Succeſſion to the Crown: We think the Truth of

this *Propoſition* fully appears, that *Birth-right and Proximity of Blood, give no Title to Rule or Government; and it is lawful to preclude the next Heir from his Right and Succeſſion to the Crown*; and being ſo, that the Moſt Honourable Houſe of Peers did with great Reaſon and Juſtice, cenſure the *Oxford Decree* which condemn'd this Propoſition as *Falſe*, *Seditious*, and *Impious*.

Having now ſeen the Truth of theſe two Propoſitions, and conſequently that the Decree of the Univerſity of *Oxford* condemning them, doth (as the Houſe of Peers adjudg'd it) *contain Poſitions contrary to the Conſtitution of this Kingdom, and deſtructive to the Proteſtant Succeſſion as by Law eſtabliſh'd.* The Inference from hence is plain, That thoſe who do ſtill *maintain* that *Decree*, are *Enemies to the preſent Eſtabliſhment of the Government.*

Let us ſee then, whether the *Univerſity* do ſtill adhere to this *Decree*, or have by any ſubſequent Act repeal'd the ſame.

That they did within a few Years after making this Decree, act *entirely contrary* to the Doctrines which by this Decree they do to the Honour of God eſtabliſh for *True* and *Pious*, is plain from this ſhort View we ſhall give thereof: wherein we might take notice, how much King *James* was vilify'd, and what odious Colours were caſt on him by the *Clergy*, as ſoon as he began to moleſt ſome of their Body, by exerciſing that *Supreme Power* which they had ſo ſtrenuouſly preach'd up to be of Divine Right veſted in him, and which he might from thence well believe to be the Doctrine of our Church, but eſpecially being ſo adjudg'd by this Decree. We might mention, how much that Univerſity, and a great Part of the Body of the Clergy of the Church of *England*, did promote and encourage *His Highneſs* the *Prince of* Orange to come over into *England*. We might alſo mention the Meeting of ſeveral of their *Heads of Houſes* at the *Vice-Chancellour*'s Lodgings, ſoon after his Landing, where they determin'd to ſend one of thoſe Heads,

Heads, and who accordingly went upon their Embaſſy, to invite his Highneſs to their Univerſity, with a Tender of the Univerſity-Plate; and which can't be pretended, as a late *Pamphlet* would have inſinuated, that they look'd upon King *James* as having Abdicated, when 'twas ſome time before an *Abdication* was thought of, or expected. We might in ſhort mention the Praiſes a Learned Dean of our Church gives the whole Body of the Clergy, for *being more Inſtrumental than any others in bringing about the Revolution.*

But not to inſiſt on theſe Things in the Clergy, who were pretty free and forward in cenſuring the Laity of Diſloyalty, till themſelves began to be touch'd by King *James:* We ſhall conſider, Firſt the *Exeter Aſſociation*, ſo call'd, from its being drawn up and firſt ſign'd by the Nobility and Gentry who were *there* joyn'd with the Prince of *Orange*; which Aſſociation was ſign'd by all the Heads of Houſes, and other conſiderable Members of their Body, except three or four throughout that whole Univerſity: By this Aſſociation, the Subſcribers *ſolemnly engage to Almighty God, to ſtick firm to this Cauſe, and to one another, till their Laws and Liberties are ſecur'd by* Parliament, *beyond danger of falling under* Slavery; *And that if any Attempts be made upon the Perſon of the Prince of* Orange, *they will purſue* not only *thoſe that made ſuch Attempts, but all their* Adherents, *and* all they find in Arms *againſt them, with the utmoſt Severity of juſt Revenge in their Ruine and Deſtruction.* If King *James* had at this time an Army prepar'd by his Command, to oppoſe the Prince of *Orange*'s Progreſs in this Expedition; if the King himſelf was then going in Perſon to Head his Army, and oppoſe the Prince; if, as is not unuſual but allowable by the Religion King *James* was of, any publick Attempt to Aſſaſſinate, or any more private Endeavours to diſpatch the Prince of *Orange* had by the Direction or Knowledge of King *James* been ſet on foot, (and which, from the Aſ-

ſaſſination deſign'd a few Years after, is no unlikely Suppoſition;) We ſee, That by this Aſſociation, the Subſcribers were engag'd to Almighty God (a ſtronger Tie than their Allegiance to any earthly King) to purſue with Revenge the Attempters and their Adherents; in which is no Exception, and therefore muſt include even the King himſelf: And that God to whom they were thus engag'd, and who is the *Searcher of Hearts*, and Judges us by the Intention of our Hearts, no doubt looks on that Intention as actually put in Execution, if 'twas the want of Opportunity or Occaſion only, that hinder'd the Execution of what they had thus engag'd to do.

The next thing we ſhall take Notice of is, the Oath of Allegiance to King *William* and Queen *Mary*, in theſe Words: *I* A. B. *do ſincerely promiſe and ſwear that I will be faithful and bear true Allegiance to their Majeſties King* William *and Queen* Mary. *So help me God.* In which we are to conſider, the occaſion of impoſing this Oath, and the Intention of the Impoſers; for (according to a Learned Prelate already mentioned) *That any Man who is to give Faith to another by Oath, may take it in his own Sence manifeſtly different from the Impoſers meaning ſufficiently expreſs'd by Words, according to the common Cuſtom of Speech, and the Nature of the Buſineſs it concerneth, is ſo groſs a Conceit, that had not the Impudence of the Jeſuits evidenced the contrary, it might well have been thought a thing incredible that any Man of common Underſtanding ſhould ſuffer his Reaſon to be ſo infatuated by his Affections as to be deceived thereby: For if ſuch Latitude of Conſtruction were admitted in Oaths, there would remain no poſſible means for Men to have aſſurance of one anothers Meaning. Therefore it is a clear Truth, that all Oaths muſt be underſtood* ad mentem Imponentis, *according to the Mind of thoſe who impoſe them, ſo far as it may reaſonably appear by the Nature of the Matter about which it is converſant, and ſuch Signification of the Words whereby it is expreſs'd, as according to the ordinary Uſe of Speech among Men agrees beſt thereto. The Reaſon whereof is, becauſe Faith given, is intended for the*

Bp. Sanderſon's *Caſe of the Engagement.*

Intereſt

Intereſt of him to whom it is given, (viz.) *that he may have the better Aſſurance from the Giver that what's promiſed ſhall be performed, which he can't have if the Promiſer may after Faith given, be at liberty to reſerve a different Meaning in his Breaſt. And though hardly any thing can be expreſs'd in any Words howſoever carefully choſen, but may be capable of more Conſtructions than one, yet the Conſcience to be ſecured muſt ſee whether it has liberty to make ſuch Conſtructions; and therefore admitting the Oath would bear more Conſtructions than one, yet no Man might take it in any Sence but ſuch as according to the beſt of his Underſtanding he might reaſonably believe to be a Sence allowed of by the Impoſers.*

To ſee now the *loweſt* Sence that can reaſonably be thought the *Impoſers* of this Oath intended to bind the *Takers* to; which conſidering that moſt of thoſe Perſons who compoſed the two Houſes of Parliament who impoſed this Oath, had by their Actings to bring about the Revolution involved themſelves into a certain Guilt of High Treaſon and loſs of their Lives, forfeiture of their Eſtates, and ruin of their Families, if ever King *James* ſhould have regain'd the Crown; and that therefore it was their Intent to ſecure the Poſſeſſion of the Crown as then by them ſetled: And conſidering that King *William* by Enacting that Oath, did certainly intend to bind the People of *England* to all that Allegiance which People owe to a *Rightful* King, and to prevent them from any Views of returning to their former Allegiance to King *James:* We cannot conceive they could intend any lower Sence than this, (*viz.*) *I* A. B. *do acknowledge King* William *and Queen* Mary *to be Rightful and Lawful King and Queen of this Realm, and as ſuch I do ſincerely promiſe and ſwear to be faithful and bear true Allegiance to them; renouncing all Allegiance to any other Perſon whatſoever, and particularly to the late King* James, *to whom all that Allegiance which was formerly due from me, I do declare it to be now abſolutely and entirely ceaſed and determined.*

And if this was not commonly underſtood to be the true Sence of this Oath, what could be the Reaſon

that ſo many Learned Men of the *Clergy* as well as *Laity*, refuſed to take it? who if they could have reconciled the Intention of the Impoſers, and the occaſion of impoſing this Oath, with ſo low a Sence, as by the Notion of King *de facto*, and King *de jure*, it was endeavoured to be reduced to (*viz.*) that it intended no more than a Promiſe, that while King *William* and Queen *Mary* ſhould continue in Poſſeſſion of the Crown, they would live quietly and peaceably under their Government, and not attempt any Act of Hoſtility againſt them; hardly any Man could have made any Scruple of taking it, being but what is allowable in all Captives taken in a War, to promiſe to their Enemies; and which it might be reaſonably preſumed King *James* himſelf had given way for his Subjects to promiſe thus much, rather than undergo ſuch Damage as might be expected would fall on them for not ſubmitting to the then Government; and which then could not be thought to deſtroy their Allegiance to him, if he, who expected the Allegiance of his Subjects, had upon mature Advice allowed them to do it. We conclude therefore that all Perſons who took the Oath of Allegiance to King *William* and Queen *Mary* muſt reaſonably underſtand it in the Sence we have mentioned.

We come now to conſider the *Abjuration Oath*, the which, all Perſons who take, do thereby *ſwear, that the Queen is Lawful and Rightful Queen of this Realm, and that the Pretender hath not any Right or Title, and they do renounce, and Abjure any Allegiance or Obedience to him; they will to the utmoſt of their Power, ſupport, maintain, and defend the Succeſſion in the Proteſtant Line againſt the Pretender and all others; all which they do plainly and ſincerely ſwear according to the expreſs Words, and according to the plain and common Sence and Underſtanding of the ſame Words, without any Equivocation, Mental Evaſion, or ſecret Reſervation whatſoever; and they do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promiſe, Heartily, Willingly, and Truly, upon the true Faith of a Chriſtian.*

After

After reciting theſe Words of the Oath, and obſerving that the Act which appoints this Oath, does in the Preamble ſay, that it is Enacted to be taken for this very Intent, that the Acts which ſettle the Succeſſion in the Proteſtant Line may be for ever inviolably preſerved, and that all future Queſtions and Diviſions by reaſon of any *Pretended Titles* to the Crown may be prevented; which *Pretended Titles* the Preamble does likewiſe expreſly mention to be the *Pretender's aſſuming the Stile and Title of King of* England. We think, the *Intention* of the *Impoſers* of this Oath, and the *occaſion* of *impoſing* it, are ſo extremely plain to be, in the fulleſt manner that can by Words be poſſibly contrived, to declare that the *Pretender* has no ſort of *Right* or *Title* to the Crown, that it is impoſſible, according to the common Underſtanding of Mankind, to give it any other Sence. From whence we preſume to aſſert that it is plain beyond all Controverſy, *That all the Members of the Univerſity having taken theſe Oaths, have acted entirely contrary to the Doctrines eſtabliſh'd by the* Oxford *Decree.* And if it can be made appear, that their having taken theſe *Oaths*, which are ſo directly contrary to the *Decree*, does neceſſarily imply that Decree to be, in the Judgment of the Univerſity, *actually reverſed*; then it clearly follows, that the *Univerſity* have, by taking theſe Oaths, given ſuch Promiſe of *Fidelity* and *Allegiance* to *Her Majeſty*, and ſuch *Aſſurance* of ſupporting the *Proteſtant Succeſſion as eſtabliſh'd by Law*, as that they may with great Safety be depended on. But we preſume to ſay, this is not ſo clear, as a Matter of ſo great Importance requires; on the contrary, we think it is very plain, that notwithſtanding theſe Oaths which the Univerſity have taken, they ſtill do abide by their *Decree.*

We muſt indeed confeſs, and it cannot be deny'd, that they have by thus acting, brought themſelves under a very uncomfortable *Dilemma.* If on one ſide they adhere to their *Decree* (which we muſt obſerve

was made to be perpetual) its clear they are directly forſworn in taking the *Abjuration-Oath*. If on t'other ſide, they did juſtly in taking that *Oath*, or in their voluntary ſigning the *Exeter Aſſociation*, it's as clear they do thereby condemn the Principles eſtabliſh'd by the Decree, and conſequently the Decree it ſelf, to be falſe; and if that Decree be *falſe*, it's moſt certainly *Blaſphemous*, for as every thing therein Decreed, is ſo Decreed to the Honour of the Holy Trinity, then if any thing contrary to Truth be there Decreed, or, (which comes to the ſame Iſſue) what is *Truth* be thereby condemned for *Falſe* (as we have proved the Fourth and Fifth *Propoſitions* to be) then that *Untruth* is *Decreed* to the Honour of the Holy Trinity, which is to Honour the *God of Truth* with a *Lye*; a Blaſphemy moſt horrid, and moſt aſtoniſhing! To this miſerable Puſh have they driven themſelves, to be either *Forſworn* or *Blaſphemous*; and we humbly hope neither *one* nor *t'other* can be any great Recommendation of theſe Perſons to be confided in by the Government.

To extricate them out of this Difficulty, there is no way, but either to come off from their *Decree*, or from their *Oaths*; which is what we are now to ſhew, and think it's undeniable that they do adhere to their *Decree*, whatever becomes of their *Oaths*: And if we make this appear, then we humbly ſubmit it to the Wiſdom of the Repreſentative Body of the Nation, what is further neceſſary to be done for our Security.

To ſhew this, we ſee that this *Decree* is made in the moſt ſolemn Manner poſſible. The Doctrines it eſtabliſhes being declared by them to be according to Piety and Truth, in the Name of the Holy and Undivided Trinity, than which nothing can have a greater Sanction; and being ſuch muſt be as perpetually and eternally immutable, as is *Truth* it ſelf, although the Decree had not ſo declared them to be; but the Decree goes further, and does expreſly eſtabliſh the Perpetuity of theſe Doctrines, by appointing, *That in*

perpetual

perpetual Memory hereof, Copies be publickly affix'd in the ſeveral Colleges and Halls, to be ſeen and read of all.

A Decree then thus ſetled, muſt certainly be in Force till Abrogated by the ſame or a Greater Power than that which made it; and therefore admitting it poſſible for them to renounce thoſe Truths thus eſtabliſh'd, yet till the *Univerſity* does in ſome *ſolemn* Manner, equal to that in which this Decree was made *Publickly*, and moſt expreſly *Retract* from, and *Repeal* this Decree, and declare it to be *Null*, they do moſt juſtly ſtand charged therewith, and with all the neceſſary Conſequences reſulting therefrom.

And it is certain they have yet never thus repeal'd it.

We know indeed that at the Revolution, when the Face of Affairs was taking ſuch a Turn, as made this a very improper Ornament in the Publick Places of their Colleges, there was that Prudence obſerved, that by a *Private Intimation* it was removed from *Publick View*, as being too glaring a Condemnation of the Behaviour of the Univerſity at that time, ſo diametrically confronting their ſo lately eſtabliſh'd Decree; which produced this Paſquinade.

Cum Fronti ſit nulla Fides, ut Carmina dicunt;
Cur tibi Bifronti Jane *ſit ulla Fides?*

But though this was a full Proof, that they themſelves look'd on their Decree to be entirely inconſiſtent with the Countenance, which, to their *Glory* ſhall we ſay or to their *Shame*, they gave to the Revolution, as contrary to the Doctrines eſtabliſh'd by that Decree; yet this was no *Reverſal* of the Decree, becauſe it ſtill remains in their Power, by another *Private Intimation* to have it *refix'd* in all their Colleges as *Publickly* as before, whenever they think it's a proper time for it; and if they had not *then* that *View*, we can't ſee why they did not *repeal* as well as *take it down*.

Neither is the Lords Condemnation of it ſuch a *Reverſal* as the Univerſity can in ſtrictneſs be ſaid to be

be *bound by*, becauſe not *proſecuted* before their Lordſhips in the common courſe of *Judiciary Proceedings*.

Neither are the *Oaths* they have taken an *Annulling* this Decree, becauſe, according to the Words of the Reverend Prelate already mentioned, *It is certain from the Law of God, and that founded on Right Reaſon and the Light of Nature, that an Oath taken by a Perſon who hath not of Right a Power to bind himſelf is* de jure nullum, *altogether void from the firſt Inſtant, and bindeth the Party no more than if it never had been taken. For the Party at the time he took it being under another former, and therefore ſtronger Obligation to the contrary, had no Power to diſenage himſelf therefrom, or to ſuperinduce upon himſelf a new Obligation contrary thereto. Allegiance is a Duty every Subject by the Law of Nature oweth to the Sovereign Power of his Country, ſo that the Bond of Allegiance don't ariſe originally from the Oath of Allegiance, as if thoſe who had not taken it had a greater liberty to act contrary to the Allegiance ſpecified in the Oath, than thoſe who have taken it, have; but it is a Duty eſſential to the Relation of a Subject* qua talis. *Therefore the Bond of Allegiance (whether ſworn or not ſworn) is in the Nature of it Perpetual and Indiſpenſible; and ſo inſeparable from the relation of a Subject, That though the Exerciſe of it may be ſuſpended by reaſon of a prevailing Force, while the Subject is under ſuch Force, yet no outward Force can ſo abſolutely take it away or remove it, but that it ſtill remains virtually in the Subject, and obliges to an Endeavour (ſo ſoon as the Force that hindered it is over) of actually exerciſing it, for the Advantage of the Party to whom of right it is due; therefore no Subject of* England *who knoweth or believeth that the* Sovereign Power *in* England *to whom his* Natural Allegiance *is due, is the* King, his Heirs, and Lawful Succeſſors, *can without ſinning againſt his Conſcience do any Act whatſoever, whereby to transfer his* Allegiance *to any other Party to whom it is not of* Right *due, nor take an* Oath *the Words whereof he ſo underſtands to be expreſs'd, as if they did contain in them and require of the* Promiſer *an utter* Abjuration *or* Renouncing *of*

Ep. Sanderſon's *Nine Caſes of Conſcience.*

that

that Allegiance *which was formerly held due to the King.* Thus far that Great Prelate. And from hence how well may the Univerſity and the Clergy, from ſo eſteem'd an Authority, yet not ſuch (we hope) as is infallible, and never leſs infallible than when he treats of the Power of our Kings: But yet from ſuch an Authority as (however the ignorant Laity think of him) is with the Clergy and High Church in greateſt Eſteem, may they not, nay muſt they not infer, how much ſtronger they are ty'd by the *Doctrines* of their *Decree* and the *Natural Allegiance* they owed to K. *James*, than they can be by the *Oaths* which have been impoſed on them by Parliament, which like the King *de Facto* by whoſe *Writs* they were ſummoned to ſit, were but Parliaments *de Facto*, and all their Acts null and void; and notwithſtanding their having actually taken theſe Oaths, yet to go on with the Words of the ſame Prelate, *As to that Saying* [fieri non debet, factum valet] *it hath Place only there where the* Obliquity *that maketh the* Oath *unlawful, may be ſeverd from the Subſtance of the Matter which that* Oath *reſpecteth; for where the ſinful* Obliquity *adhereth inſeparably thereto; there not only the* taking the Oath *is ſinful, but the* Peformance *alſo becometh ſinful.* Thus we ſee that theſe *Oaths* are not only no *Repeal* of this Decree, but the Univerſity are obliged (according to this Great and Learned Prelate) as they will avoid the certain *Guilt of Sin*, to recede from theſe Oaths.

It being from hence certain, they have never *Repeal'd* the Decree; we go on to ſhew as apparently, that they ſtill *perſiſt* in *avowing* it to be in Force.

A Member of their Body Dr. *Sacheverell* at his Tryal, produces this Decree for Evidence of the ſtanding Doctrine of our Church for *Paſſive Obedience* and *Non-Reſiſtance*; and we cannot help making this Remark, which lies too open to be paſt over, That this was ſo artful a way of Re-publiſhing this Decree, which had lain dormant ever ſince the Revolution (when, as we have already ſaid, the Univerſity thought it

improper

improper to remain in Publick, although for Reaſons beſt known to themſelves, they did not then repeal it) that we can hardly believe, but the *Univerſity*, or ſome more conſiderable Members thereof than Dr. *Sacheverell* had a Hand in contriving his producing it for the Purpoſes he read it.

The *Univerſity* paſs no Cenſure upon him for producing it as Evidence; then it's plain, both that they approve his producing it, and the Purpoſes for which he did produce it, *viz.* To prove the Duty of *Abſolute Non-Reſiſtance*, and *Paſſive Obedience*; And alſo, that they ſtill adhere to it: For if the *Decree* were not ſtill in force, it could be no Evidence; and if they had not approv'd his producing it as ſuch, it's hardly poſſible to conceive, that they who are always ſo tender of coming under the leaſt Suſpicion of Diſloyalty, and who are quick-ſighted like Eagles for their own *Intereſt*, could have paſs'd by his publiſhing it, without ſome ſevere Cenſure, eſpecially ſeeing the Offence the Houſe of *Peers* took thereat. And this their allowing the Decree to be now in force, is a full Evidence of their Regard for the *Pretender*; for this *Decree* muſt ever be taken upon the Foot Things ſtood at *that Time* when it was made, and the *Hereditary unalterable Right of Succeſſion* thereby eſtabliſh'd, muſt for ever be underſtood to be *in thoſe*, who according as Things ſtood at *that Time*, it would have deſcended to; and that *Paſſive Obedience*, and *Non-Reſiſtance* thereby eſtabliſh'd, muſt be due to thoſe Perſons who by that *Inheritance* would have had the *Supreme Power* of this Nation veſted in them: And the Univerſity muſt not, for they cannot by any Propriety of Language, ſo *tranſmigrate* this Decree, as to perſuade People to believe they *now* mean the *Hereditary Right* of Succeſſion, and the *Non-Reſiſtance* it eſtabliſhes, to be adapted to this *preſent Time*, as the *Queen* is ſetled on the Throne by the Act of Parliament, 1 *W.* & *M.* and the *Succeſſion* in the *Proteſtant Line* by the Act 12 & 13 *W.* III. ſince

the

the *Validity* of thoſe Acts depends upon the *Legality* of that *Reſiſtance* which brought about that *Revolution of Government*, which ſetled that Power which thoſe Acts were made by; and which *Reſiſtance*, as condemn'd by that Decree, thoſe Acts muſt fall with it, in the Opinion of all who adhere to that Decree. Moreover, the avowing the Decree to be ſtill in force, does likewiſe prove the Blaſphemy thereof, in bringing in the *Name of God* to aſſent to a Lie; for whether the Conſtitution was at that Time, tho' not now, as the Decree declares it, and if ſo, the Decree might be then true; yet the Conſtitution being *now* otherwiſe than that Decree aſſerts it, and that Decree *ſtill* held good; the Decree does conſequently *now* aſſert a Lie to the Honour of God: But we muſt ſay, that our Conſtitution was ever the ſame as now, and that the Revolution introduc'd no Innovation into it, but was only an aſſerting that Right, which was at all times Inherent in this Nation, and ever exerted when there was the like Occaſion for it: Which needs no other Proof, but the Act 1 *W.* & *M.* Seſſion 2. Chap. 2. which ſays, that K. *James* did endeavour to ſubvert the *Laws* and *Liberties* of this Kingdom; and then ennumerating thoſe his Endeavours, the Act ſays, they are all **directly contrary to the known Laws, Statutes, and Freedom of this Realm**, and therefore the Lords Spiritual and Temporal, and Commons being Aſſembled, in a **full and free Repreſentative of the Nation**, do (as their Anceſtors in like Caſe have uſually done) for aſſerting their *Ancient Rights and Liberties*, declare what are thoſe Rights, the which they do *Claim, Demand, and Inſiſt* upon, as their *undoubted Rights and Liberties*: And then follows the Enacting Clauſe, **That all and ſingular** the aforeſaid **Rights and Liberties** are the **true Antient and Indubitable Rights** of the People of this Kingdom.

Having now ſhewed, that the *Univerſity* do ſtill adhere to their *Decree*, we have further to conſider, what

what is the *Natural Tendency* thereof; and how exactly the *Practice* and *Behaviour* of the *Clergy*, correſpond therewith.

If the *Supreme Power* of *England* be in the *Crown* alone, and the *Succeſſion* to the Crown be *unalterable*, and *Non-Reſiſtance* be due to that *Supreme Power*; then we ſhall ſee where we are led, by this ſhort View of the Genealogy of thoſe, who would by that Rule, have that *unalienable Right* in them, as it ſtood at the time when the *Decree* was made.

King *Charles* II. was then upon the Trone. After his Death without Iſſue, his Brother the Duke of *York* was to ſucceed, and did come to the Crown. After his Death, the *Pretender*, whoſe Birth (altho' we do very reaſonably ſuſpect it to have been a Forgery, yet) was never prov'd to be Suppoſitious, but, on the contrary, a great Bulk of Evidences recorded in Chancery to prove his Legitimacy; if he were the Son of K. *James*, muſt in point of Inheritance, as Heir Male (and his Iſſue after him) preceed *Her Majeſty*, who is but the Iſſue Female of K. *James*; and altho' he were Illegitimate, would have come to the Crown before *Her Majeſty*, if the *Revolution*, which was brought about by *Reſiſtance*, had not happen'd. Admitting then *Her Majeſty* (after him and his Iſſue) to ſucceed to the Crown; then after her Demiſe without Iſſue, ſucceeds the Daughter of K. *James* II. by his Second Wife. After this, comes the Right of *Henrietta-Maria*, Daughter of K. *Charles* I. who marrying to *Philip* Duke of *Orleans*, had Iſſue *Ann-Mary* marry'd to *Victor-Amadeus* Duke of *Savoy*, and who had Iſſue among many others, *Mary* now Wife of *Lewis* Duke of *Burgundy*, Grandſon to the preſent *French* King. After all the Iſſue of *Henrietta-Maria*, the Inheritance reverts to *Elizabeth* Daughter of K. *James* I. who marry'd to *Frederick* V. Elector Palatine and King of *Bohemia*, and had Iſſue Male *Charles-Lewis*, and *Edward*, of both which there are many Deſcendants now living; the ſaid *Eli-*

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zabeth had likewiſe a Daughter *Sophia*, who marry'd to *Erneſt-Auguſtus* Duke of *Hanover*, on whom and her Iſſue the Crown is now ſetled by the Act of Parliament 12 & 13 *W.* III.

Thus we ſee where Abſolute *Non-Reſiſtance*, and the *Unalienable Right* of Succeſſion, as eſtabliſh'd by this Decree, fixes the Crown, ſo *contrary to the Conſtitution of this Kingdom, and the Proteſtant Succeſſion as by Law Eſtabliſh'd.*

It remains for us to look into the Behaviour of the *Univerſity* and *Clergy*, how agreeable to theſe *Deſtructive Doctrines* they act.

In the Front whereof, we may very properly place the Demeanour of the late impeach'd Dr. *Sacheverell*, a Member of that Univerſity, and the now *Idol* of the Clergy, when brought to his Tryal for *Seditiouſly, Wickedly, and Maliciouſly intending to undermine and ſubvert her Majeſty's Government, and the Proteſtant Succeſſion as by Law eſtabliſh'd, by inciting the People to Sedition and Rebellion.* He, at his Tryal, inſolently inſulted the two Houſes of Parliament, throwing into their Faces this Decree of the Univerſity, and thereby plainly telling them (and doubtleſs thought he had good Authority for it from this ſolemn Decree) both that the *Univerſity* had a *Power* of Decreeing what the Conſtitution of this Nation is, which ſurely is a Greater Power than ever was *veſted* in, or by Parliament *Indulged* to them, that it ſhould be their Province [Unparalell'd Inſolence!] to decree and ſettle the Nature of our Conſtitution: And alſo, that the Univerſity had decreed them to be no Part of the Supreme Power, nor indeed not to be *Two Houſes of Parliament*, as not Aſſembled by the Authority of that Perſon, who by this Decree had the Sole Power of calling a Parliament together.

As Dr. *Sacheverell* had thus inſolently attack'd the *Two Houſes of Parliament*, ſo immediately the Univerſity of *Oxford*, in Juſtification of this their Glorious

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and Pious Champion for *Passive Obedience* and *Non-Resistence*, insult the Queen; as the *Jews* when about to crucifie our *Saviour* for a Subverter of their Government, and an Impostor, having put into his Hand a Reed for a Scepter, mock'd him with a *Hail King of the Jews*, and spit upon him; so they ironically Address Her Majesty, telling her of *their deep Sense of God's inestimable Blessing in placing and preserving her upon the Throne of her Royal Ancestors*. The Throne indeed which her Royal Ancestors have sat upon, but we hope she sits upon it by a much more securer *Stay* than meerly as the Inheretrix to those Ancestors, even by the Acts of Parliament which make her Title indisputable; They go on very sincerely and plainly to tell her, that as they will never *call in Question any Title by which Her Majesty holds her Crown*, and we make no doubt, they do, and will ever retain their accustom'd Discretion to avoid the Pains and Penalties of High-Treason, so long as ambiguous Words can secure their Persons at the same time they shew their Intentions; yet they do, it seems, esteem *particularly that Title which is Hereditary* for her *best* Title, altho' that be the only Title by which the *Pretender* can lay any manner of Claim to the Crown; and that by how much his Birth has never been detected, by so much must Her Majesty's *Hereditary* Title be dubious; and the Acts which Exclude and Attaint the *Pretender*, pass'd with the Royal Assent only of K. *William*, who could not hold the Crown by an Hereditary Right in the Life-time of her Present Majesty; and the World will easily judge of the Affections of those People, who are for preferring that Title which is possible to be disputable, to another Title which can by no means be deny'd to belong to Her Majesty only. They proceed to tell her, they can never *give Countenance to that Popish Republican Doctrine of Resistance of Princes, the very mention whereof, at this time, under the Best of Queens, ought to be detested and abhorred*; and so indeed it ought, not only the *mention*,

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but more eſpecially the *Practice* of it under the *Beſt of Queens*, who we are aſſur'd will never act otherwiſe than as a Mother of her People; (and therefore the greater Crime, as well as Shame, it is in any of the Clergy to Preach up ſuch Notions, under pretence of Royalty, as in Truth ſtrike at Her Majeſty, and the Preſent Eſtabliſhment:) But if *Reſiſtance* of a *Bad King* had been on no Account allowable, when he was apparently endeavouring the Deſtruction of our Conſtitution, we can hardly believe the *Beſt of Queens* could have now been on the Throne, becauſe it is not to be conceiv'd, that the late King *James* would, of his own accord, have declar'd the *Pretender* an Impoſtor, and thereby given over all Hopes of eſtabliſhing his *Popiſh* Religion here, by leaving his Daughters (both firm Proteſtants) to ſucceed to the Crown, after his Deceaſe. They then tell the Queen of their great Trouble to ſee ſo many *Blaſphemous and Heretical Doctrines propagated among us, which tend not more to undermine Religion, than they do to diſturb the Civil Peace*; What theſe Doctrines are, they only leave us to gueſs; and if from what goes before in this Addreſs, and the timing of it, together with the multitude of others, which ſeem'd levell'd at what the Parliament had then lately done, in condemning Dr. *Sacheverell*, be any Guide for us to gueſs by, it ſeems moſt probable they mean the *Blaſphemous and Heretical Doctrines* upon which the Juſtice of the Revolution, our preſent Eſtabliſhment, and Her Majeſty now ſitting upon the Throne do depend; and the World will eaſily judge, whether theſe Doctrines, or thoſe of their Decree tend more to undermine Religion and diſturb the Civil Peace of this Nation: They go on to praiſe Her Majeſty for the *Silver Shrines* of the *Firſt Fruits* and *Tenths*, which we may believe them Hearty in; but we may believe too, they would like better the whole Set of Church-Lands, which a Great Divine was pleaſs'd but a little before, to deliver as the Oracles of God (for nothing

elſe is to come from the Pulpit) to the H---- of P---s then his Auditors, that thoſe Lands ought on pain of Damnation to be reſtor'd, and which they might with a *High Hand* ſeize for their own, if ever the *Pretender* ſhould come, and would furniſh them wherewith to purchaſe off the Guilt of ſome Oaths impos'd on them to the Preſent Government: They cloſe, with aſſuring the Queen of their Care to ſend ſuch Members to Parliament, as will *inviolably maintain Her Majeſty's Juſt Prerogative, and the Succeſſion in the Illuſtrious Houſe of* Hanover; but whether Her Majeſty can have any *Juſt Prerogative* to be *maintain'd*, without ſhe has a *Juſt Title* to the Crown, we muſt ask them to explain; and whether they mean maintaining the *Houſe of* Hanover in the Succeſſion to the Crown of this Kingdom after the *Popiſh* Lines ſhall be extinct, which in Point of Hereditary Right would take place before that Houſe; or that they will confine the *Illuſtrious Houſe of* Hanover to the Succeſſion of its own Territories, excluſive of theſe Kingdoms, is not ſo clearly expreſs'd, but the Words will bear either Conſtruction: And upon the whole we muſt obſerve, that if the *Pretender* ſhould ever get Footing in this Nation, nothing could be a greater Proof, how inviolably they were engag'd in their Loyalty to him, than producing to him *this Addreſs*, which would ſhew him how boldly they dar'd to declare in his Favour to Her Majeſty, when in ſome Reigns we may remember, when the Clergy were heartily affected to their Kings, ſuch Language as this Addreſs, would by them have been taken for a ſufficient Sign of Diſloyalty.

As the Univerſity have thus play'd their part, ſo is it not well known what a Multitude of the Clergy in ſeveral Parts of the Kingdom, have inſulted the Government, as far as, and in every manner, that with ſafety they durſt? For as a Learned Manager at Dr. *Sacheverell's* Tryal obſerv'd, When People intend

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to unhinge a Government, they are not to ſpeak or act directly or plainly, they are to cover their Deſign even from thoſe they are to draw in, they muſt pretend a Zeal for Religion and for the Queen to preſerve a good Opinion of themſelves, while they are doing that which by Degrees will alienate Peoples Affections from her; eſpecially when they know the Power of the Adminiſtration they are to Revile and Rail at is over them and at hand: Therefore they are to ſtudy ſuch dark and double Ways of acting and ſpeaking that may have two Meanings, the one more obvious and plain to have its full effect upon the People, and the other a Reſerve to be offer'd to a Court of Juſtice if they be queſtion'd for ſuch their Words or Actions. And how exactly to this a great part of the Clergy act, is too notorious to ſay any thing to prove it; and is a full Evidence of their Diſpoſition, who are too cautious, and conſider their own Safety too well to break out into open Rebellion, before they think matters are on a Foot for certain Succeſs.

But why do we ſay they, or at leaſt the People they delude, dare not *Rebel*, when we ſaw ſuch a *Rebellion* rais'd, as threatned the Safety of the Parliament while they were imploy'd in defending the *Fundamental Eſſentials* of our *Conſtitution*, againſt the *preparatory Attempts* for a *Change*; which we may juſtly ſay was for a *Change*, when that *Inſurrection* was fomented, and manag'd by *Papiſts* and *Non-Jurors*, the ſureſt Expoſition of what both that Rebellion, and the Doctrines which it was rais'd to defend, were aim'd at; for if in other Reigns while Perſons have been upon their Tryal, the News of a *Noble Peer*, murder'd in truth, but as pretended had cut his own Throat to avoid a Publick Proceſs, was urg'd to the Jury as a Proof of the Guilt of another *Noble Perſon* then at the Bar: In caſe at the time Inſurrections had been made in favour of any of thoſe *Worthy Patriots* then

E. *Eſſex.*

Ld. *Ruſſel.*

under Proſecution, and ſuch Inſurrections headed and encouraged by what was then called *Whigs*, and now *Low-Church-Men*; we can't but believe it would have been made great uſe of, as a convincing Argument both of their Guilt, and of the Intention of the whole Body; much more if ſuch Inſurrections had likewiſe received ſuch Encouragement from the Proſecuted Perſons themſelves, as that Rebellion during the Tryal of Dr. *Saeheverell* ſeemed to receive from him, unleſs we will believe his Profeſſion *in the Preſence of God to abhor giving the leaſt Degree of Encouragement to it* (a Method of vindication pretty freely uſed by him) rather than the Examinations which the moſt Noble Houſe of Peers took concerning it, and which his ſubſequent Progreſs through a great Part of the Nation and his Inſolent Deportment therein, is as great a Confirmation of, as can well be expected for a thing of that Nature, and amounts almoſt to a Demonſtration.

But this is only one Inſtance. Don't we ſee how frequently many of them Rebel, or excite to Rebellion or ſomething like it, by their Sermons and Writings; and will not *ſcribere eſt agere*, be good Law, ſo long as the great Man, or the Memory of him remains who pronounced it.

When we hear Clergymen mention the Oath eſtabliſh'd by the Act 13. & 14. Car. 2. *That it is not lawful upon any Pretence whatſoever to take Arms againſt the King, or againſt thoſe commiſſioned by him*, as being always binding on all thoſe who took it, although it be now Abrogated; (and with great Submiſſion we humbly conceive, it would be very proper and neceſſary to have that Abrogation printed by Authority together with the Act which eſtabliſh'd that Oath, that both may appear at one View in the Front of our *Common-Prayer Books* to prevent ignorant People being impoſed on by ſuch *Clergy* who make their uſe of that Oath ſtill ſtanding in the Face of the Publick Office.) We think it can have no other Meaning but to perſwade

the People into a Belief of the *Pretender's* being wrongfully kept from the Crown, becauſe according to the ſtrict Sence in which they underſtand it, it implies that all what was done at the Revolution was unlawful; and then we know who would be now upon the Throne. But with their leave, as that Oath is now *Repeal'd* by a Power equal to that which *Enacted* it, it can be no longer Binding: And though being abrogated, we need ſay the leſs to it, yet in Juſtification of thoſe worthy Noblemen and others who took up Arms at the Revolution before the Abrogation thereof, we do preſume to ſay, that while that Oath was in *force*, it could not poſſibly be underſtood in ſo very ſtrict a Sence as the Words at firſt ſeem to import; for if all *Oaths* are to be taken in the Sence intended by the *Impoſers*, and the *Impoſers* of this *Oath* were *the two Houſes of Parliament*; then if they intended this Oath in the ſtricteſt Sence the Words will bear (which our Clergy, who graſp at any thing that makes for Arbitrary Power, by all means will have it that they did) the Parliament muſt at the ſame time intend thereby to give up all future means of coming at their *Eſſential, Indubitable, Inherent Rights and Privileges*, whenever the King thought fit to invade them: But as no Parliament can be preſumed ſo void of Reaſon as to do that, or if they had, it would have been *null* and *void*: For it's the only thing a Parliament cannot do, to give up any of the Rights of a future Parliament; then we ſay this very ſtrict Sence of that Oath, could not be the Sence the *Impoſers* intended, becauſe a Sence which it is impoſſible they could intend; and conſequently ſome lower Sence which thoſe Words may bear muſt neceſſarily be ſought for; and therefore we think the moſt the Parliament could intend by the Words of that Oath, was, *the Illegality of taking Arms againſt a King acting according to the Laws by which that King was bound to Govern*, and which when a King wholly departs from, is, with great Submiſſion, not in ſtrictneſs *ſuch a King* as the People are ever to ac-

quieſce under; and this Sence we agree to be ſtill included in the Oath of Allegiance eſtabliſh'd by the Act 1. *W.* and *Mary*, *Chap.* 8.

But we cannot wonder at their urging this Oath, when rather than abandon their beloved Principles of *Non-Reſiſtance* and *Paſſive Obedience*, even the Word of God muſt be *Burlesk'd* to ſupport it; and we need not mention all the many Texts of Scripture which have been *diſtorted* to juſtifie and promote Arbitrary Power. This one Text of St. *Paul*, *Whoſoever reſiſteth the Power, reſiſteth the Ordinance of God; and they that reſiſt ſhall receive to themſelves Damnation*, how hath it been *wreſted* to fix the Supreme Power of this Nation in the Crown? which as it never was the Intent of St. *Paul* to determine where the Supreme Power of any Nation is veſted, but to teach Chriſtians an humble Submiſſion to that which in each Nation is really the Supreme Power; ſo we cannot but be amazed that any Man who pretends to deliver the Word of God to the People, can dare to hazard receiving to himſelf that Damnation here threatned by St. *Paul* to thoſe who reſiſt the Supreme Power; which in this Nation, whoſoever does go about to veſt the Supreme Power in the Crown alone, where in reality it is not, does thereby endeavour to take it out of the Crown and Parliament together, where it certainly is veſted, and does thereby actually *Reſiſt* that Supreme Power, which at the ſame time St. *Paul* has told them they ſhall for ſo doing receive Damnation.

Rom. c. 13. *verſe* 2.

It would much better become the Clergy, whoſe Function it is to aſſiſt the Laity in working out their Salvation, to teach them, what great Thankfulneſs they owe to God for the greateſt Temporal Bleſſing he can beſtow upon us, the Happineſs of our Conſtitution; than, by *Wreſting Scripture to their own Deſtruction*, drew the poor Laity into a Snare, to deſpiſe that Mercy which requires their daily lifting up their Hearts in Praiſe to God for.

2 *Pet. Chap.* 16. *v.* 3.

But we muſt not go on too faſt here, the Clergy will ſoon check our Career, and tell us, the Interpretation of Scripture is their Province, and not belonging to the Laity. And truly if *Scripture* be plain (as they have often endeavoured with great Boldneſs to aſſert) that the King of *England* is *Supreme*, and an *Abſolute Paſſive Obedience* and *Non-Reſiſtance* (as he is the Supreme Authority of this Nation) is due to him; then we muſt confeſs our *Mouths muſt be ſtopt*, and we muſt with all Humility ſay, that *God is Wiſer than Man*; and that *Wiſdom* which we think to be in *Man* when he maintains the Nations Rights, we muſt acknowledge to be *Fooliſhneſs with God*. But let them take heed of *charging God Fooliſhly*. Their Damnation who add to Scripture or alter it, and theirs who lock it up and take away that *Key of Knowledge* from the People, is equally certain; it is the Bleſſing of the *Free-born Laity* of *Great Britain*, that they may *daily ſearch the Scriptures*, and may juſtly believe themſelves, *Berean-like*, *more noble* for ſuch *ſearching whether thoſe things be ſo*, before they receive *the Word* of any *Man* or Body of Men (howſoever Great or Learned the Perſons be) *with all readineſs of Mind* as *the Word of God*. Not only every Lay Man has a Right equal to the Clery to interpret Scripture for the Conduct of his own Life, and working out his own Salvation, and to judge by thoſe Scriptures of every Doctrine which is delivered to him by *Man*, and may comfortably believe that in a conſtant Study thereof, praying withal the Aſſiſtance of the Divine Grace to *enlighten his Underſtanding*, he ſhall as certainly diſcern the *Wondrous Things* therein, as any Clergyman whatſoever; altho' we readily own and would encourage all Men, to read the Learned Works of Pious Men who have interpreted Scripture,

1 *Cor. Chap.* 1. *Verſe* 25.

1 *Cor. Chap.* 3. *Verſe* 19.

Job Chap. 1. *Verſe* 22.

S. Luke Chap. 11. *Verſe* 52.

Acts Chap. 17.

Epheſ. Chap. 1. *Verſe* 11. *Pſalm* 118. *Verſe* 98.

which may greatly assist them in theirs: But we say further, that not only the Laity have this Right, every Man for himself; but the Civil Powers of this Nation have Authority to give the Publick Interpretation of Scripture.

To say nothing of the Inferiour Courts of Justice, it is beyond all Dispute, that the House of Peers, if an Impeachment be brought from the House of Commons against a Spiritual Person for *Perverting Scripture*, those Scriptures lie under the Judgment of the House of Peers, (where there is above Seven to One Temporal for Spiritual Lords) and can those Peers judge whether those Scriptures be perverted, without judging of and declaring what is the Sence thereof? Can the Legislature, whereof, altho' in one House be the Prelates, yet in the other no Person in *Holy Orders* is capable of being Elected to sit; can they pass a Bill for a Divorce, without interpreting those Scriptures which speak of Divorces, to see whether the Circumstances of that particular Case then before them, be within the Rules in which the Scripture allows Divorce? Are not every Man of the Clergy from the first to the last altho' their Authority be from God, entirely restrained and regulated in the manner of their publick exercising of that Authority, by the Civil Government? And lastly do *Cannons* made by that great Body of the Church, the *Convocation*, carry any force in them, till ratified by *Act of Parliament*; and can the Parliament ratify such Cannons without judging whether they are agreeable to Scripture? This is so plain, that to deny it, argues the greatest Boldness; and yet, as the Supreme Power is *Insulted* by the Clergy in other things, so in this it has not escaped; for did not Dr. *Sacheverell* after the *Managers* had so fully proved his perverting Scripture, that even he with all his Audacity had not the forehead to deny the Truth of the Accusation; yet modest as he was in that, had he not the Boldness to tell their Lordships, they had nothing to do therewith? it was *coram*

non judice, he pleaded to the Juriſdiction of the Court, it was a higher Tribunal (the Heavenly one, for the Houſe of Peers is the higheſt in this Nation, and an Appeal is never but from an Inferiour to a Superiour Court) where he muſt anſwer for that; or if he does allow any Earthly Power to call him to account for it, it is only the Lords Spiritual, but not the Lords Temporal the whole Houſe of Peers; and leſt the Lords ſhould forget it, printed it, contrary to the *ſtanding Rules* of the Houſe, and with the like Inſolence dedicated it to their Lordſhips; which ſurely was the height of Preſumption and Folly, ſince if the Moderation of the Lords had not exceeded even the Proportion of his Impudence, might juſtly have drawn down on him a very heavy Condemnation; there being no Contempt that even an Inferiour Court will more ſeverely reſent, than to plead to the *Right* of their *known Judicature*. And were the *Univerſity of Oxford* as ready to aſſert and ſupport thoſe *Rights* and *Privileges of Parliament* which are notoriouſly and indiſputably belonging to them, as they are to ſupport *Notions* which naturally tend to introduce *Popery and Slavery*; they would not long ſuffer a *Member of their own Body* to continue *ſuch*, without the moſt ſevere Cenſure for ſuch Contempt of Authority; which in the Caſe of the Spiritual Courts they look upon as an Offence worthy even of *Excommunication*, that being the only tolerable Reaſon we could ever yet hear given by the Clergy, for the *Anathema's* thoſe Courts pronounce for otherwiſe very trivial Matters.

But we can wonder at nothing, ſo long as that *Decree* of the Univerſity ſtands uncondemn'd to ſuch an eternal Silence, as never more to riſe again in the Thoughts or Conſciences of the Clergy. Till then nothing elſe can in reaſon be expected, for it is the moſt natural that can be, that the *Univerſity* who by their own voluntary Act in that *Decree*, not compelled thereto by any *Law*, but as they ſay oblig'd by their *Natural Allegiance* to their King, declar'd to the

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Honour of the Holy and Undivided Trinity that the Hereditary Right of Succeſſion from *that* King, could not be broke into; that they ſhould do every thing they can with Safety, without coming under the Laſh of the Law, that may be for the Intereſt of the *Pretender*, and diſpoſing the Minds of the People for returning to their *Allegiance* to that *unalienable Right*: Don't we ſee this has been hitherto the Practice of many of the Clergy, in ſpight of their Oaths, ever ſince the Revolution? During which time, altho' the *Decree* it ſelf has lain ſo many Years dormant, yet the Doctrines thereby eſtabliſh'd have been ever appearing in the Diſcourſes and Behaviour of the Clergy far beyond any other Set of Men in the Nation; and will without doubt, by thoſe who think them *Doctrines of Godlineſs* be propagated down to Poſterity, and may be a long Entail of Diſturbances to this Nation: For if ever a favourable Opportunity ſhould come, (which God of his Infinite Mercy forbid) they would be oblig'd, to the *Honour* of the ſame *Holy Trinity*, to appear for that *Unalienable Right*, in oppoſition to *Her Majeſty*, and the *Proteſtant Succeſſion*, to which they are ty'd only by Oaths impos'd on them by a Power, according to that *Decree*, founded on Uſurpation; for if *Non-Reſiſtance* and *Paſſive Obedience* be ſo Unlimited, that even *For the Salvation of a Soul, no nor for the Redemption of the whole World* it muſt not be deviated from; then the *Revolution* was a *Uſurpation*, and all thoſe Worthy *Engliſhmen* who appearing in Arms at that time had a Share in that Revolution, and are ſince Dead (as we hope and believe) without Repentance for it, are in the State of the Damned, inſtead of receiving the Reward of *Well done good and faithful Servant*: Then the placing King *William* and Queen *Mary* upon the Throne was an Injuſtice to King *James*: Then all our Laws paſt with the Royal Aſſent of King *William* or her Preſent *Majeſty*, are *Null* and *Void*;

Bp. Sanderſon's *Sermons, p.* 522.

St. *Matthew*, Chap. 25.

Void: Then the *Abjuring* the *Pretender*, and the *Attainting* him is ſo far a Wrong to him, as it is certain, if the *Revolution* had not ſucceeded, he would now be in Poſſeſſion of the Crown: Then all the Blood of thoſe many Brave and Good Men who have dy'd, as they thought, in the Service of their Country, has been ſpilt in an unjuſt Cauſe, and muſt fall on the Head of thoſe who employ'd them therein: Then our Security by the Act 12 & 13 *William* III. **That our Kings ſhall joyn in Communion with the Church of** England **as by Law Eſtabliſh'd, and that if they be reconcil'd to the Communion of the Church of** Rome, **they ſhall be for ever incapable to inherit, poſſeſs, or enjoy the Crown, and the People of theſe Realms are in ſuch Caſe abſolv'd from their Allegiance**, can ſtand us in no ſtead any longer than it ſhall pleaſe our Kings of their meer Will and Pleaſure, in pure good Nature to us, not to break through theſe Bulwarks of our Security, both *Religious*, and *Civil*.

To ſuch Abſurdities are they led, by holding this one Principle of *Non-Reſiſtance* in the manner they fix it, and which makes the Doctrine it ſelf moſt *abſurd*; for altho' no Doctrine is to be charg'd with what Conſequences may ſeem to follow therefrom, but in truth do not, but may be ſevered from it; yet when Conſequences are plain, and the neceſſary Reſult of a Doctrine, that Doctrine muſt be charg'd with all the Abſurdities of ſuch Conſequences.

But on the other ſide, what Abſurdity follows from aſſerting that the Nation has a *Right* to its *Undoubted Priviledges*? When we maintain the contrary to Non-Reſiſtance, we do not intend, that the People are immediately to make Inſurrections, and riſe in Rebellion, upon every little Error in their *Prince*, but bear a great many (perhaps wilful) Miſcarriages, ſo long as the *whole* is not ſtruck at, rather than the greater Inconveniencies which almoſt unavoidably attend ſo violent a Remedy: But when a King breaks through, and endeavours apparently,

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to ſubvert a *Conſtitution*, in defiance of all the *Laws*, and his own *Oath* to the contrary; then the People muſt do, as the Act 1 *W.* and *M.* ſays *their Anceſtors in like Caſe have uſually done*, and no longer fall down and Worſhip *the Work of their own Hands*, with ſo great an *Oblation* as the whole Conſtitution, which would indeed be the *Sacrifice of Fools*.

Eccleſ. Chap. 5. *Verſe* 1.

To conclude, we humbly conceive it is now *high time*, even the very *Criſis*, for the *Legiſlative Power* to ſuppreſs ſuch Principles, ſo prejudicial to *Her Majeſty's* moſt ſure and indiſputable Title to her Crown by the Acts of Settlement, and which depend on the aſſerting the Rights and Power of Parliaments. Such Principles as are entirely deſtructive to the *Proteſtant Succeſſion* in the Houſe of *Hannover*; ſuch Principles as neceſſarily tend to introduce the *Pretender*, and his Idolatrous *Worſhip*; and which we ſee the daily Influence of. Such Principles as can ſerve no good End, nor be of any Advantage to any *Good Prince*, but may incline *Bad Princes* to attempt *Arbitrary Power*, as has already in former Reigns been experienced. We conceive it is time for the Supreme Power to exert it ſelf in effectually ſuppreſſing theſe *ſeducing Spirits and Doctrines of Devils*. Let the Parliament (to uſe the Words of the *Oxford Decree*, which as it ſtands unrepeal'd by that Univerſity, is certainly good Language to them;) let the Parliament *ſearch into and lay open thoſe Impious Doctrines* now on foot, *which being ſtudiouſly Diſſeminated*, are likely to *give Riſe and Growth to Nefarious Attempts*; Nay, which we ſee *have already* given ſo very *great Growth* to ſuch *Nefarious Attempts*, that we muſt bleſs God they have not come to *full Maturity*; and that by ſo long a Continuance of Forbearance towards the Teachers of thoſe Doctrines, we have not loſt by our own Negligence and Supinity, that moſt *Happy Conſtitution*, moſt *Happy* both for *Prince* and *People*, which with above Twenty Years Blood and Treaſure we have been defending, and which under God can never be taken from us, if we don't abandon it, and for defending of which, the *Generations to come* will call us Bleſſed.

1 *Tim. Chap.* 4. *Verſe* 1.

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